E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
1/20/2023 10:21 PM

RECORDS EXTRACT OF APPELLANT

IN THE
APPELLATE COURT
OF MARYLAND

September Term 2022,
No. 1145 & No. 1457

JUSTIN HOLDER

Appellant

V.

JEFFREY YOUNG

Appellee

Appeal from the Circuit Court of Washington County
The Honorable Andrew F. Wilkinson

RECORD EXTRACT

Volume 4

JUSTIN HOLDER
APPELLANT

E-FILED; Washington Circuit Court
Docket: 9/16/2020 12:23 PM; Submission: 9/16/2020 12:23 PM

JEFFERY L. YOUNG
13 Dogstreet Road
Keedysville, MD 21756
Plaintiff

* CIVIL CASE NO. 21-C- C-21-CV-20-000371

* IN THE CIRCUIT COURT FOR

* WASHINGTON COUNTY, MARYLAND

JUSTIN HOLDER
DEENA HOLDER
308 West Chaplin Street
Sharpsburg, MD 21782

AND

ALL UNKNOWN PERSONS, HEIRS,
DEVISEES, LEGATEES, ASSIGNS,
CORPORATIONS OR OTHER ENTITES
OF WHATSOEVER NATURE OR KIND
THAT MAY CLAIM ANY RIGHT, TITLE
OR INTEREST IN THE REAL ESTATE
DESCRIBED AS PARCELS 2 AND 3, WASHINGTON COUNTY PLAT NO. 2499
LOCATED ON DOGSTREET ROAD, KEEDYSVILLE, MARYLAND
WASHINGTON COUNY TAX MAP, GRID 19, PARCEL 180
Defendants

COMPLAINT AND PETITION TO QUIET TITLE AND
FOR DECLARATORY AND INJUCTIVE RELIEF

Plaintiff, Jeffery L. Young, by and through his attorney, R. David Pembroke, sues the Defendants set forth in the above caption, jointly and severally and for causes states as follows:

1. Plaintiff is a resident of Washington County, Maryland.

2. Defendants are/were residents of Washington County, Maryland.

3. The real property in question is located in Washington County, Maryland, and is more particularly shown and described as Parcels 2 and 3 on the Plat entitled "Property Line Survey for Harry Wickline" dated June 15, 1988, and recorded among the Plat Records for Washington County, Maryland, at Plat Record 2499.

4. This action is brought pursuant to §5-103 of the Annotated Code of Maryland (Court of Judicial Proceedings Article) and §14-108 of the Annotated Code of Maryland (Real Property Article).

5. The purpose of the Declaratory Judgment Act as stated in Courts and Judicial Proceedings Article Section 3-402, is to settle and afford relief from uncertainty with respect to rights, status, and other legal relations. The statute is to be liberally construed and administered (Courts and Judicial Proceedings, Section 3-402).

6. The Courts and Judicial Proceedings Article Section 3-406, provides that any person interested under a deed may request the court to determine any question of construction or validity arising under the instrument and may obtain a Declaration of rights, status, or other legal relations under it (Courts and Judicial Proceedings, Section 3-406).

7. Plaintiff is an interested person within the purview of Section 3-401 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. (The Declaratory Judgment Act, Courts and Judicial Proceedings Section 3 Subtitle 4).

8. There exists an actual controversy of a justiciable issue between Plaintiff and Defendants within the jurisdiction of the Court involving the rights of the parties and ownership of the Parcels.

9. That by virtue of Deeds dated January 3, 1988, August 16, 1993, and May 28, 2017, and recorded respectively in Liber 885, Folio 110, Liber 1108, Folio 790, and Liber 5512, Folio 226 among the Land Records of Washington County, Maryland, Plaintiff claims title as sole owner of the Parcels described on the Plat and Deeds, attached hereto and incorporated herein by reference, labeled Exhibits A, B, C, & D.

10. The Land Records, Tax Records and Tax Maps of Washington County, Maryland, reflect that title to the Parcels is held by Jeffrey L. Young.

11. Since the execution and recording of the aforesaid Deed dated January 3, 1988, and recorded at Liber 885, Folio 110, Plaintiff has been in actual, exclusive, open, visible, notorious, continuous, peaceable, hostile, and adverse possession of the property shown as Parcels 2 and 3 on the aforesaid Plat Folio 2499.

12. From the date of said Deed forward, Plaintiff has paid the taxes in connection with the aforesaid property and has utilized and maintained the property as his own.

13. Plaintiff's actual, exclusive, open, notorious and adverse possession of the property has been for a continuous period of more than thirty-two (32) years, through actual possession and under color of title.

14. Prior to the execution and recording of the aforementioned Deeds to Plaintiff, Plaintiff's predecessor's in title had also been in actual, exclusive, open, visible, notorious, continuous, peaceable, hostile, and adverse possession of the herein described property.

15. The last title owner of Parcel 3, shown on the aforesaid Plat, is unknown. Since June 21, 1996, the Deeds of the adjacent property owners have described their eastern most boundary as Plaintiff's western most boundary as shown on the aforesaid Plat.

16. The last title owner of Parcel 2 shown on the aforesaid Plat was Jennifer Butts who conveyed all of her right, title, and interest in and to said Parcel to Plaintiff by Deed dated August 16, 1993, and recorded at Liber 1108, Folio 790 of the aforesaid Land Records.

17. Over the last several months, Defendant Justin Holder has attempted to enter the aforesaid property to construct a roadway over said property, thereby damaging and destroying mature trees and underbrush. Although his efforts have been thwarted by Plaintiff and Plaintiff's neighbors, his efforts have caused repeated altercations and confrontations, with both Plaintiff and the property owners abutting Plaintiff's property.

18. After Plaintiff denied Defendant Justin Holder access to Plaintiff's land, Defendant Justin Holder offered to purchase an easement over Plaintiff's land for Five Thousand and 00/100 ($5,000.00) Dollars. When that offer was rejected, Defendant Justin Holder embarked upon a prolonged campaign of harassment, bringing or attempting to bring others including surveyors, heavy equipment, electricians, and well drillers upon Plaintiff's land, some of whom reported to Plaintiff that Defendant Justin Holder claimed to them to have purchased the property from a "developer".

19. Defendant Justin Holder's actions in trespassing upon Plaintiff's land have caused damage to Plaintiff's property and severe emotional aggravation to Plaintiff and Plaintiff's family.

20. There is no person or party, of record or in fact, having or claiming to have any hostile, right, or interest in or to said property. Plaintiff has made reasonable and good faith efforts to locate any such party by conducting a thorough examination of all pertinent land, and estate and tax records for Washington County, Maryland, and has as well interrogated the owners of adjoining properties in order to uncover such claims and none have been uncovered.

WHEREFORE, the Plaintiff prays for the following relief:

1. That this Honorable Court decree that the Plaintiff is the owner in fee simple of the property shown as Parcels 2 and 3 on Plat 2499 referenced in the Complaint;

2. That the Court decree that the Defendants have no estate, right, title, or interest in said property or any part thereof; and

3. That Defendants be forever barred from asserting any right, title, or estate of any nature in or to said property adverse to this Plaintiff; and

4. That Defendants be enjoined from entering upon Plaintiff's said property; and

5. That the title to the aforementioned property be quieted and any cloud removed therefrom; and

6. That an Order be passed pursuant to the Maryland Rules of Procedure 2-122 providing that service of process upon the unknown Defendants be accomplished as follows:

a. By posting a notice of the proceedings by the Sheriff on the properties and on the Court House Door or bulletin board or in the immediate vicinity thereof; and

b. By publishing that same notice in a newspaper of general circulation in Washington County, Maryland in three (3) successive weeks.

VERIFICATION

I, THE UNDERSIGNED PLAINTIFF, DO HEREBY declare and affirm under the penalties of perjury that the contents of the foregoing Complaint and Petition To Quiet Title And For Declaratory And Injunctive Relief are true to the best of my knowledge, information, and belief.

Jeffrey L. Young, Plaintiff

Respectfully Submitted,

R. David Pembroke, Esquire (CPF# 8205010237)
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
email: kathleenhedstrom@gmail.com

E-FILED; Washington Circuit Court
Docket: 9/16/2020 12:23 PM; Submission: 9/16/2020 12:23 PM

JEFFERY L. YOUNG
13 Dogstreet Road
Keedysville, MD 21756
Plaintiff

* CIVIL CASE NO. 21-C- C-21-CV-20-000371

* IN THE CIRCUIT COURT FOR

* WASHINGTON COUNTY, MARYLAND

JUSTIN HOLDER
DEENA HOLDER
308 West Chaplin Street
Sharpsburg, MD 21782

AND

ALL UNKNOWN PERSONS, HEIRS,
DEVISEES, LEGATEES, ASSIGNS,
CORPORATIONS OR OTHER ENTITES
OF WHATSOEVER NATURE OR KIND
THAT MAY CLAIM ANY RIGHT, TITLE
OR INTEREST IN THE REAL ESTATE
DESCRIBED AS PARCELS 2 AND 3, WASHINGTON COUNTY PLAT NO. 2499
LOCATED ON DOGSTREET ROAD, KEEDYSVILLE, MARYLAND
WASHINGTON COUNY TAX MAP, GRID 19, PARCEL 180
Defendants

MOTION FOR PUBLICATION OF NOTICE

Jeffery L. Young, Plaintiff, by and through his attorney, R. David Pembroke, pursuant to Maryland Rule 2-311(a), requests that the Court issue an Order requiring publication of a notice in the form attached hereto to the Unknown Persons included among the Defendants in this action to answer the Petition or risk loss of their interests or claims.

Jeffrey L. Young, Plaintiff

Respectfully Submitted,

R. David Pembroke, Esquire (CPF# 8205010237)
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
email: kathleenhedstrom@gmail.com

JEFFREY L. YOUNG, Plaintiff

v.

JUSTIN HOLDER
DEENA HOLDER
and
UNKNOWN PERSONS WHO HAVE OR
CLAIM AN INTEREST IN THE
REAL PROPERTY WHICH IS THE
SUBJECT OF THIS PETITION,

Defendants

Case No. _____

In the Circuit Court for

Washington County, Maryland

NOTICE

Upon consideration of the Petition filed in the above captioned action and the Answer thereto filed by _____, it is this _____ day of _____, 2020, by the Circuit Court for Washington County, Maryland;

ORDERED that any person who has or claim an interest in the real properties designated as Parcels 2 and 3 on the Plat entitled "Property Line Survey for Harry Wickline", recorded in Washington County, Maryland Plat record 2499, and more particularly described in the Petition shall file an answer to the Petition on or before _____, 2020, or risk loss of his interest or claim of an interest; PROVIDED, THAT a copy of the Order shall be published in a newspaper of general circulation in Washington County, Maryland, at least once a week in each of three successive weeks before the expiration of one month from date of this Order.

_____

Kevin Tucker
Clerk

E-FILED; Washington Circuit Court
Docket: 9/16/2020 12:23 PM; Submission: 9/16/2020 12:23 PM

JEFFERY L. YOUNG
13 Dogstreet Road
Keedysville, MD 21756
Plaintiff

* CIVIL CASE NO. 21-C- C-21-CV-20-000371

* IN THE CIRCUIT COURT FOR

* WASHINGTON COUNTY, MARYLAND

JUSTIN HOLDER
DEENA HOLDER
308 West Chaplin Street
Sharpsburg, MD 21782

AND

ALL UNKNOWN PERSONS, HEIRS,
DEVISEES, LEGATEES, ASSIGNS,
CORPORATIONS OR OTHER ENTITES
OF WHATSOEVER NATURE OR KIND
THAT MAY CLAIM ANY RIGHT, TITLE
OR INTEREST IN THE REAL ESTATE
DESCRIBED AS PARCELS 2 AND 3, WASHINGTON COUNTY PLAT NO. 2499
LOCATED ON DOGSTREET ROAD, KEEDYSVILLE, MARYLAND
WASHINGTON COUNY TAX MAP, GRID 19, PARCEL 180
Defendants

MOTION FOR PUBLICATION OF NOTICE

Jeffery L. Young, Plaintiff, by and through his attorney, R. David Pembroke, pursuant to Maryland Rule 2-311(a), requests that the Court issue an Order requiring publication of a notice in the form attached hereto to the Unknown Persons included among the Defendants in this action to answer the Petition or risk loss of their interests or claims.

Jeffrey L. Young, Plaintiff

Respectfully Submitted,

R. David Pembroke, Esquire (CPF# 8205010237)
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
email: kathleenhedstrom@gmail.com

JEFFREY L. YOUNG, Plaintiff

v.

JUSTIN HOLDER
DEENA HOLDER
and
UNKNOWN PERSONS WHO HAVE OR
CLAIM AN INTEREST IN THE
REAL PROPERTY WHICH IS THE
SUBJECT OF THIS PETITION,

Defendants

Case No. _____

In the Circuit Court for

Washington County, Maryland

NOTICE

Upon consideration of the Petition filed in the above captioned action and the Answer thereto filed by _____, it is this _____ day of _____, 2020, by the Circuit Court for Washington County, Maryland;

ORDERED that any person who has or claim an interest in the real properties designated as Parcels 2 and 3 on the Plat entitled "Property Line Survey for Harry Wickline", recorded in Washington County, Maryland Plat record 2499, and more particularly described in the Petition shall file an answer to the Petition on or before _____, 2020, or risk loss of his interest or claim of an interest; PROVIDED, THAT a copy of the Order shall be published in a newspaper of general circulation in Washington County, Maryland, at least once a week in each of three successive weeks before the expiration of one month from date of this Order.

_____

Kevin Tucker
Clerk

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY L. YOUNG,	*	
Plaintiff	*	
	*	CASE NO. C-21-CV-20-000371
v.	*	
JUSTIN HOLDER, *et al.*	*	
Defendants	*	

****

ANSWER OF JUSTIN HOLDER

COMES NOW Defendant, Justin Holder, by and through his attorney, Adam D. Greivell, Esq., and, in Answer to the Plaintiff, Jeffrey L. Young's Complaint and Petition to Quiet Title and for Declaratory and Injunctive Relief, states as follows:

DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by the Statute of Limitations.
3. Plaintiff's claims are barred by Laches.
4. Plaintiff's claims are barred by Estoppel.
5. Plaintiff's claims are barred by the doctrine of Waiver.
6. Plaintiff's claims are barred by the failure to join parties under Md. Rule 2-211.
7. Plaintiff's claims are barred by the lack of necessary parties.
8. Plaintiff's claims are barred by lack of jurisdiction.
9. Defendant has superior title to Plaintiff.

GREIVELL & GARROTT JOHNSON LLC
5 Cornell Avenue
Hagerstown, MD 21742
t: (240) 310-9150
f: (877) 262-4810
www.GreivellLawOffice.com

10. Defendant possesses all legal and equitable rights of access, easement, title and/or necessity in and over lands claimed by Plaintiff.

ANSWER TO THE ALLEGATIONS

In Answer to the specific allegations of the Complaint, the Defendant states as follows:

1. Defendant admits the allegations contained in paragraph 1 of the Complaint.
2. Defendant admits the allegations contained in paragraph 2 that Justin Holder and Deena Holder are residents of Washington County, Maryland, but to the extent that "All Unknown Persons .... That May Claim Any Right, Title or Interest" in real estate claimed by the Plaintiff are unascertainable in both number, identity and location, Defendant denies the balance of the allegations contained in paragraph 2 of the Complaint.
3. Defendant denies the allegations contained in paragraph 3 of the Complaint, except Defendant admits that there is a Plat entitled "Property Line Survey for Harry Wickline" dated June 15, 1988, and recorded among the Plat Records for Washington County, Maryland, at Plat Record 2499. Defendant specifically denies the accuracy of said plat.
4. Defendant denies the allegations contained in paragraph 4 of the Complaint, and further denies this action is properly brought under such statutes or the Maryland Rules.
5. Defendant denies the allegations contained in paragraph 5 of the Complaint, but admits that the statutes speak for themselves.
6. Defendant denies the allegations contained in paragraph 6 of the Complaint, but admits that the statutes speak for themselves.

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7. Defendant admits the allegations contained in paragraph 7 of the Complaint.

8. Defendant denies the allegations contained in paragraph 8 of the Complaint.

9. Defendant denies the allegations contained in paragraph 9 of the Complaint, and further specifically states that Defendant owns the fee simple land claimed by Plaintiff, which land is also subject to a record-title right of way, a public road, a prescriptive easement, and an easement by implication.

10. Defendant denies the allegations contained in paragraphs 10 through 15 in the Complaint.

11. Defendant admits the allegations contained in paragraph 16 of the Complaint.

12. Defendant denies the allegations contained in paragraphs 17 through 19 in the Complaint.

13. Defendant denies the allegations contained in paragraph 20 of the Complaint, and specifically denies that the Plaintiff has made reasonable good faith efforts to locate any party claiming an interest in his property, and that Plaintiff has named or joined all necessary parties.

WHEREFORE, Defendant, Justin Holder, denies Plaintiff's claims and demands judgment and declaratory relief in his favor as to all allegations directed against him, for dismissal of Plaintiff's Complaint and Petition, and for such other and further relief as the nature of this cause may require.

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5 Cornell Avenue
Hagerstown, MD 21742
t: (240) 310-9150
f: (877) 262-4810
www.GreivellLawOffice.com

VERIFICATION

I solemnly affirm under the penalties of perjury that the contents of the aforegoing paper are true to the best of my knowledge, information and belief.

Justin Holder

Respectfully submitted,

/s/ Adam D. Greivell
Adam D. Greivell, Esquire
CPF ID# 0512130328
Greivell & Garrott Johnson, LLC
5 Cornell Avenue
Hagerstown, Maryland 21742
(240) 310-9150
adam@greivelllawoffice.com
Attorneys for Defendant, Justin Holder

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of October, 2020, a copy of the foregoing Answer of Justin Holder was served via MDEC upon R. David Pembroke, Esq., Attorney for Plaintiff, and Randall Whittenberger, Esq., attorney for Deena Holder and Uncle Eddies Brokedown Palace, LLC. All other persons entitled to service, if any, were served by the MDEC system.

/s/ Adam D. Greivell
Adam D. Greivell, Esquire

CERTIFICATE REGARDING RESTRICTED INFORMATION

I HEREBY CERTIFY that this document does not contain any restricted information.

/s/ Adam D. Greivell
Adam D. Greivell, Esquire

GREIVELL
&
GARROTT
JOHNSON
LLC

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IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

NOTICE OF JURY TRIAL

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Notice Requesting a Jury Trial under the 7th Amendment of the United States Constitution.

Respectfully submitted,

Justin K. Holder, Pro Se
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 2021, a copy of the foregoing Notice of Jury Trial was served via the MDEC system to :

Roland David Pembroke, Esq.,
Matthew Ruble, Esq.,
Robert Kline, Esq.,
Justin Holder, Pro Se

Justin K. Holder, Pro Se

Justin K. Holder

Pro se Litigator

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E-FILED Washington Circuit Court 8/9/2021 8:25 AM System System
E-FILED; Washington Circuit Court
1031 Docket: 8/9/2021 8:25 AM; Submission: 8/9/2021 8:25 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
Plaintiff	*	
vs.	*	CASE NO. C-21-CV-20-371
JUSTIN HOLDER, ET AL.	*	
Defendants	*	

****

SCHEDULING ORDER

It is **ORDERED** by the Circuit Court for Washington County that a trial by **COURT/JURY** is scheduled for **June 21 through June 23, 2022, at 9:30 a.m.,** and is estimated to require **three (3) days;** it is further

ORDERED that hearing and cut-off dates are as follows:

September 6, 2021	Additional parties to be joined
October 6, 2021	Plaintiff's expert witnesses identified
December 6, 2021	Defendants' expert witnesses identified
March 21, 2022	Notice required by Maryland Rule 2-504.3(b) regarding computer-generated evidence
March 31, 2022	Discovery to be completed
April 15, 2022	Amendments as of right due
April 29, 2022	All dispositive motions due
May 20, 2022	10:30 a.m. settlement and pre-trial conference

It is further **ORDERED** no later than seven (7) days prior to the pre-trial conference counsel shall file with the Court a pre-trial statement in accordance with Maryland Rule 2-504.2(b) as well as the following:

Entered: Clerk, Circuit Court for
Washington County, MD
August 9, 2021

a) all motions in limine;
b) any proposed voir dire questions;
c) any proposed special verdict sheet; and it is further

ORDERED, that upon settlement or dismissal, it is the responsibility of counsel for the Plaintiff to notify not only the Clerk of Court, but also the Assignment Clerk (240-313-2540) of such settlement or dismissal.

August 6, 2021
Date

Daniel P. Dwyer
Administrative Judge

DPD/psa

cc: Assignment Clerk
R. David Pembroke, Esquire
Matthew B. Ruble, Esquire
Justin Holder, pro se
Robert L. Kline, III, Esquire

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

SECOND AMENDED ANSWER OF JUSTIN HOLDER

COMES NOW Defendant, Justin Holder, in proper person, strong in law and deep in facts, and in Second Amended Answer to the Plaintiff, Jeffrey L. Young's Complaint and Petition to Quiet Title and for Declaratory and Injunctive Relief, states as follows:

DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by the Statute of Limitations.
3. Plaintiff's claims are barred by Laches.
4. Plaintiff's claims are barred by Estoppel.
5. Plaintiff's claims are barred by the doctrine of Waiver.
6. Plaintiff's claims are barred by the failure to join parties under Md. Rule 2-211.
7. Plaintiff's claims are barred by the lack of necessary parties.

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
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Jholder2004@Gmail.com

8. Plaintiff's claims are barred by lack of jurisdiction.
9. Plaintiff's reliance on the title and/or rights of 3rd parties is *ultra vires* and/or barred by non mutual defensive collateral estoppel.
10. Plaintiff's claims of *Laches* asserted on behalf of parties who neglected to appear in Court and avail themselves of their rights is *ultra vires* and/or barred by *res judicata.*
11. Plaintiff's claims in equity are barred by the Clean Hands Doctrine.
12. Plaintiff's claims in law are barred by *in pari delicto.*
13. Defendant has superior title to Plaintiff.
14. Defendant possesses all legal and equitable rights of access, easement, title and/or necessity in and over lands claimed by Plaintiff.

ANSWER TO THE ALLEGATIONS

In Answer to the specific allegations of the Complaint, the Defendant states as follows:

13. Defendant admits the allegations contained in paragraph 1 of the Complaint.

14. Defendant admits the allegations contained in paragraph 2 that Justin Holder and Deena Holder are residents of Washington County, Maryland, but to the extent that "All Unknown Persons .... That May Claim Any Right, Title or Interest" in real estate claimed by the Plaintiff are unascertainable in both number, identity and location, Defendant denies the balance of the allegations contained in paragraph 2 of the Complaint.

15. Defendant denies the allegations contained in paragraph 3 of the Complaint, except Defendant admits that there is a Plat entitled "Property Line Survey for Harry Wickline" dated June 15, 1988, and recorded among the Plat Records for Washington County, Maryland, at Plat Record 2499. Defendant specifically denies the accuracy of said plat.

Justin K. Holder

Pro se Litigator

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16. Defendant denies the allegations contained in paragraph 4 of the Complaint, and further denies this action is properly brought under such statutes or the Maryland Rules.

17. Defendant denies the allegations contained in paragraph 5 of the Complaint, but admits that the statutes speak for themselves.

18. Defendant denies the allegations contained in paragraph 6 of the Complaint, but admits that the statutes speak for themselves.

19. Defendant admits the allegations contained in paragraph 7 of the Complaint.

20. Defendant denies the allegations contained in paragraph 8 of the Complaint.

21. Defendant denies the allegations contained in paragraph 9 of the Complaint, and further specifically states that Defendant owns the fee simple land claimed by Plaintiff, which land is also subject to a record-title right of way, a public road, a prescriptive easement, and an easement by implication.

22. Defendant denies the allegations contained in paragraphs 10 through 15 in the Complaint.

23. Defendant admits the allegations contained in paragraph 16 of the Complaint.

24. Defendant denies the allegations contained in paragraphs 17 through 19 in the Complaint.

25. Defendant denies the allegations contained in paragraph 20 of the Complaint, and specifically denies that the Plaintiff has made reasonable good faith efforts to locate any party claiming an interest in his property, and that Plaintiff has named or joined all necessary parties. Plat 10649 recorded among the plat records of Washington County, Maryland depicts MD Department of Natural Resources as owner of land on the Eastern boundary of the Stonecrest Development. The Ickes's are in actual possession of Parcel 3.

Justin K. Holder

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FURTHER ANSWER - MD Real Prop Code § 14-607

MD Real Prop Code § 14-607(a)(1) (2019) - Answer - Claim the Defendant has to the Property

26.Defendant is the legal owner by virtue of recorded title held at Liber 6370 Folio 249 et seq. of the Washington County Land Records and Liber 6414 Folio 219 et seq. of the Washington County Land Records; of "Parcel 3" as described on the Plaintiff's Complaint; and other fee simple land in the general vicinity.

27.Defendant is the legal owner by virtue of recorded title held at Liber 6729 Folio 365 et seq. of the Washington County Land Records, of fee simple property north of "Parcel 3" known as the "Abandoned Railroad" labeled Baltimore and Ohio RR on "plat 2499" described in Complaint Paragraph 3; and other fee simple land in the general vicinity.

28. Defendant is the legal owner by virtue of recorded title held at Liber 6729 Folio 365 et seq. of the Washington County Land Records, of fee simple property south of "Parcel 2" known as the "DogStreet Road" labeled same on "plat 2499"; to the extent Grantor of aforesaid deed is determined to have retained the fee simple ownership of "DogStreet Road" in prior transactions.

MD Real Prop Code § 14-607(a)(2) (2019) - Answer - Facts tending to controvert material Allegations of the Complaint

29.Adverse Possession is a fact for the Jury to decide, the Plaintiff does not have jurisdiction in equity, legal title draws possession to the legal owner, equity entertains jurisdiction when

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a party is in possession or lacks remedy at law, the Plaintiff is not and can not be in constructive possession of property he does not have the better legal title to. "The 'ground of equity jurisdiction' in a bill *quia timet* was the fact of actual or constructive possession." See *Porter v. Schaffer*, 728 A. 2d 755 - Md App (1999)

30. In *Goen v. Sansbury*, 149 A. 2d 17, 255 - Md (1959) "The principles of law that control the case are well established:

> Generally, one who has color of title, like one who has actual title, has constructive possession of the land within the outlines of his title, although he actually occupies only a part of it. However, one who enters upon the land of another, though under color of title, gives no notice to that other of any claim, except to the extent of his actual occupancy. Thus, if a true owner be in actual possession of part of the whole land to which he has record title, he is in constructive possession of all of the land which is not actually possessed by another who claims through color of title, and this although the owner's actual possession is not within the limits of the land claimed by the other. This result has been reached by the cases because both parties cannot be seised at the same time of the same land under different titles and the law adjudges, therefore, the seisin of all that is not in the actual occupancy of the adverse party to him who has the better title.
>
> *** *** ***
>
> In *Hines v. Symington,* 137 Md. 441, 446, it was said: 'This Court has decided that the possession of part of a tract of land by the rightful owner is constructive possession of the whole, as against one in possession of a part and claiming the whole under color of title, except as to the part actually occupied by the claimant.' The statement was based on the decision in *Schlossnagle v. Kolb,* 97 Md. 285, 292. There the Court said: 'In this kind of mixed constructive possession the legal seisin is according to the title. Title draws possession to the owner', and then adopted from 3 *Washburn on Real Property,* Sec. 1986, the statement that '* * * as against the owner in occupation adverse possession under color of title is of no avail as a foundation of title. This is true even if the owner go into occupation of a part of his land after the disseisin has commenced. The running of the statute will thereby be stopped as to so much of the land as was constructively possessed and will be restricted to that in actual possession.' See also *Hunnicutt v. Peyton,* 102 U.S. 333, 26 L.Ed. 113." [Emphasis Added]

Justin K. Holder

Pro se Litigator

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t: (240) 356-2008
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31.Acts in Pais such as abandonment are a fact for the jury to decide. “The act or acts relied on, however, to effect such result, must be of a decisive character; and while a mere declaration of an intention to abandon will not alone be sufficient, the question, whether the act of the party entitled to the easement amounts to an abandonment or not, depends upon the intention with which it was done, and that is a subject for the consideration of the jury.” See *Chevy Chase Land Co. v. US,* 733 A. 2d 1055 - Md: Court of Appeals 1999 (citing *Vogler v. Geiss*, 51 Md. 407 - 1879)

*32.*Maryland law "Where the condition of the title is known to both parties or both have the same means of ascertaining the truth, there can be no estoppel." see *Jurgensen v. New Phoenix*, 843 A. 2d 865 - Md: Court of Appeals 2004. (Quoting *Mountain Lake Park Ass'n v. Shartzer*, 83 Md. 10, 13-14, 34 A. 536, 537 (1896) (quoting *Brant v. Virginia Coal & Iron Co.,* 93 U.S. 326, 337, 23 L.Ed. 927, 929-30 (1876))

33.“Of course, the party who relies on an estoppel has the burden of proving the facts that create it.” *Jurgensen v. New Phoenix*, 843 A. 2d 865 - Md: Court of Appeals 2004.(citing *Doub v. Mason, 2 Md. 380, 406 (1852); First Nat. Bank v. Mayor and City Council, 27 F.Supp. 444, 454 (D.Md.1939)*)

34. Even under the relaxed standard of estoppel, the Plaintiff points to nothing the Defendants have done intentionally or innocently, which Plaintiff relied upon to change his position to his detriment., see *Zimmerman v. Summers*, 330 A. 2d 722 - Md. App (1975) “The rather narrow scope of the factual basis required for estoppel was expressed in *Oberheim v. Reeside,* 116 Md. 265, 81 A. 590 (1911), where the Court said, at 276-77*:*

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'It is a well settled principle that mere silence as to rights of record does not create an estoppel. *Frazee v. Frazee*, 79 Md. 30. In *Schaidt v. Blaul*, [66 Md. 141, 6 A. 669 (1886)] an alley was obstructed by the erection of massive stone wall, and a stable, the former having been finished and the latter being in course of construction when the owner of an easement in the alley applied for an injunction. The defense was interposed, among others, that the plaintiff with full knowledge that the work was in progress and that large sums of money were being expended upon it by the defendant, made no complaint of any kind until it was completed. *Casey v. Inloes*, 1 Gill 502, as follows: "The doctrine that where one stands by and sees another laying out money on property, to which he himself has some claim or title, and does not give notice of it, he can not afterwards, in equity and good conscience, set up such claim or title, **does not apply to an act of encroachment on land, the title to which is equally well known, or equally open to the notice of both parties**; but the principle applies only against one who claims under some trust, lien or other right, not equally open and apparent to the parties and in favor of one who would be misled or deceived by such want of notice."'

*** *** ***

The rule, unrelaxed, is stated, with specific application to real property, in 28 Am.Jur.2d *Estoppel & Waiver* § 81 (1966) as follows:

'As a general thing, in order to establish an equitable estoppel against one asserting his title or claim to real property, the party attempting to raise it must show an actual fraudulent representation, concealment, or such conduct or negligence as will amount to a fraud in law, and that the party setting up such estoppel relied thereon, and was actually misled thereby to his injury. If, at the time when he acted, the party claiming the estoppel had knowledge of the truth, or had the means by which with reasonable diligence he could acquire the knowledge so that it would be negligence on his part to remain ignorant by not using those means, he cannot claim to have been misled by relying upon the representation or concealment. It must be pointed out, moreover, that in all instances a clear, strong case of estoppel must be made out where a clear legal title to land, requiring written conveyance to pass it, is to be divested out of its owners and vested in others as if a conveyance had been made. Furthermore, it has been stated that an estoppel in *pais* alone is not sufficient to cause equity to compel a transfer of the title to real estate to the one in whose favor it runs, when the value of the land has materially increased since the estoppel accrued, so that payment of its former value, without interest, will involve less injury to those in possession. Of course, **a mere trespasser may not estop the owner from asserting his title in a court of law or equity.**'" [Emphasis Added]

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*35.*The Declaratory Judgment requested by Plaintiff in determining the construction of a recorded instrument is a matter of law, any ambiguous language contained in the instrument is a fact for a jury to decide. *Gov't Employees Insur. v. DeJames, 256 Md. 717, 720, 261 A.2d 747 (1970); Ebert v. Millers Fire Ins. Co., 220 Md. 602, 610, 155 A.2d 484 (1959)*

36."The Maryland Uniform Declaratory Judgment Act, Md.Code (1974, 1996 Repl. Vol.), §§ 3-401 through 3-415 of the Courts and Judicial Proceedings Article (CJ), provides that "[t]he fact that a proceeding is brought under this subtitle does not affect a right to jury trial which otherwise may exist." CJ § 3-404. Thus, prior to the 1984 procedural merger of law and equity, see Rule 2-301, a declaratory judgment proceeding could be brought on the law or equity side of a circuit court." *Kann v. Kann*, 690 A. 2d 509 - Md: Court of Appeals 1997 also see *Himes v. Day,* 254 Md. 197, 206, 254 A.2d 181, 186 (1969).

*37.*Plaintiff by his trespass and interference claims to have terminated the property rights of Defendants. The Plaintiff request the Court reward his bad behavior with equity, but Plaintiff is not so afforded based upon the facts as a matter of law. The Doctrine of Clean hands expressly Barrs Plaintiff from equity, see *Adams v. Manown*, 615 A. 2d 611 - Md. (1992) quoting **D. Dobbs,** *Remedies § 2.4, at 46 (1973)* puts the concept as follows:

> "It is only when the plaintiff's improper conduct is the source, or part of the source, of his equitable claim, that he is to be barred because of this conduct. `What is material is not that the plaintiff's hands are dirty, but that he dirties them in acquiring the right he now asserts.'"

and *Adams supra:*

> "The clean hands doctrine is not applied for the protection of the parties nor as a punishment to the wrongdoer; rather, the doctrine is intended to protect

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> the courts from having to endorse or reward inequitable conduct. *Space Aero Prods. Co. v. R.E. Darling Co.,* 238 Md. 93, 120, 208 A.2d 74, 88, *cert. denied,* 382 U.S. 843, 86 S.Ct. 77, 15 L.Ed.2d 83 (1965); *Niner v. Hanson,* 217 Md. 298, 309, 142 A.2d 798, 803 (1958). "It has also been said that the maxim has nothing to do with disapproval of the character or past behavior of the applicant but only with the effect of his present application." *Niner,* 217 Md. at 309, 142 A.2d at 803. "`Equity does not demand that its suitors shall have led blameless lives.'" *Id.* (quoting *Loughran v. Loughran,* 292 U.S. 216, 229, 54 S.Ct. 684, 689, 78 L.Ed. 1219, 1227 (1934)). Thus, an important element of the clean hands doctrine is that the alleged misconduct must be connected with the transaction upon which the claimant seeks relief."
>
> See also, in this state, *Thomas v. Klemm,* 185 Md. 136, 142, 43 A.2d 193, 197 (1945); *Baltimore Humane Impartial Soc'y & Aged Women's & Men's Homes v. Marley,* 156 Md. 478, 482, 144 A. 521, 522 (1929); *Equitable Gas Light Co. v. Baltimore Coal Tar and Mfg. Co.,* 65 Md. 73, 84-85, 3 A. 108, 111 (1886), and elsewhere, *Fibreboard Paper Prods. Corp. v. East Bay Union of Machinists, Local 1304, United Steelworkers of America, AFL-CIO,* 227 Cal. App.2d 675, 39 Cal. Rptr. 64, 98 (1964) (applying the maxim where the claim sued upon is independent of the unclean hands conduct "would be to sanction an assault upon a person who has perpetrated a fraud upon or breached a contract with the assaulter")."

38.To the extent the Plaintiff has trespassed or interfered with Defendants property rights in a way that he has factual evidence for an ACTION AT LAW, he has not done so for the required 20 year period in which the statute of limitations has foreclosed the Defendant's right to Ejectment and/or damages for interference in the same. In the case of *Schaeffer v. Sterling,* 176 Md. 553, 6 A.2d 254 (1939), the Court stated that when applying the clean hands doctrine an equity court "will leave [the complainant] to whatever remedies he may have *at law.*" *Id.* at 555, 6 A.2d at 255 (emphasis added).

*39.*This Court has held that *laches* "is a defense in equity against stale claims, and is based upon grounds of sound public policy by discouraging fusty demands for the peace of society." *Ross v. Board of Elections,* 387 Md. at 688 670, 876 A.2d at 704,, 876 A.2d at 703, quoting *Parker v. Board of Election Supervisors,* 230 Md. 126, 130, 186 A.2d 195, 197 (1962); *Buxton v.*

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Buxton, 363 Md. 634, 645, 770 A.2d 152, 158 (2001)*; Berman v. Leckner, 193 Md. 177, 187, 66 A.2d 392, 396 (1949); Kaufman v. Plitt,* 191 Md. 24, 28, 59 A.2d 634, 635 (1948).

*40.*When a case involves concurrent legal and equitable remedies, "the applicable statute of limitations for the legal remedy is equally applicable to the equitable one." *Frederick Road Ltd. Partnership v. Brown & Sturm,* 360 Md. 76, 117, 756 A.2d 963, 985 (2000)*, q*uoting *Schaeffer v. Anne Arundel County, 338 Md. 75, 81, 656 A.2d 751, 754 (1995).*

41.Plaintiff Jeffrey Young has owned property known as 13 Dogstreet road in Keedysville, MD for 32 years, with Notice/knowledge when he purchased the property there was a public road to Keedysville that burdened the property. Plaintiff Young slumbered, doing nothing to extinguish, block or terminate the use of the road that he knew burdened his property. Plaintiff Young to do this day has failed to assert any claim in Court that the Road over his property known as Parcel 1 has been lost by A*cts in Pais* or somehow terminated. In fact Mr. Young and others still use the road regularly without challenge.

42.Plaintiff Jeffrey Young has produced Right of Way Records to the benefit of Potomac Edison company, that expressly burden Parcel 2 in the instant litigation. Jeffrey Young has failed to join Potomac Edison to the suit or acknowledge the property rights of Potomac Edison in his pleadings.

43.Plaintiff Jeffrey Young was on notice of a deed overlap with Jennifer Butts property as described on deed recorded at Liber 659 folio 580 among the land records of Washington County, Maryland; by and through the plat recorded at folio 2499 among the plat records of Washington County, Maryland. Plaintiff Jeffrey Young obtained a quit claim from Jennifer

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Butts to perfect title to the area of deed overlap known as Parcel 2, but neglected to obtain a quit claim for Parcel 3 overlap as depicted on plat 2499 and described by Expert Frederic Frederick. Plaintiff Jeffrey Young accepted title to Parcel 2 by virtue of deed recorded at Liber 1108 folio 0790 among the land records of Washington County, Maryland; aforementioned deed was "conveyed together with and subject to all applicable covenants, conditions, restrictions, easements, limitations, rights-of-way, streets, alleys, reservations and easements of record."

44.Plats 8292 and 10649 recorded among the Plat records for Washington County, Maryland all depict a road (that Plaintiff Young is granted the use of existing drive) as running over and through Parcel's 1 and 2 claimed by Young on his title deeds of record. Mr. Young has admitted that he has never prosecuted anyone for a trespass or taken any legal action to stop persons and the public from using the road depicted on aforementioned plats in the 32 years he has resided at 13 Dogstreet road, Keedysville, Maryland. Mr. Young has admitted to personal knowledge that member of the public have traveled the roads depicted on the aforementioned plats, hostile to his interest in the fee simple land beneath, constantly, continuously, openly and notorious for as long as he has resided in Keedysville, Maryland.

45.Christopher Joliet, Esq. admitted and accepted that the Plaintiff Jeffrey Young would have no claim to adverse possession tacking on Parcel 3 during his February 2022 depositions in this instant litigation.

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46.Christopher Joliet, Esq. admitted and accepted that he was "not a surveyor" multiple times when asked to describe the property in Plaintiff Young's actual possession in terms of metes and bounds during his February 2022 depositions in this instant litigation.

47.Christopher Joliet, Esq. admitted and accepted that certain plat(s) are "just wrong" and "a mistake" multiple times during his February 2022 depositions in this instant litigation.

48.In a September 23rd, 2021 hearing in case C-21-CV-21-000116 *Holder v Morral et al.,* Honorable Judge Brett Wilson ruled that Christine Morral's statements that "there was no deed to the right of way, uh, which has been defined as a 'wagon trail'" were false.

49.On July 31st, 2020 in the district court peace order trial of *Morral v Holder* Honorable Judge Mark Thomas made a finding of fact after parties Scott and Christine Morral and Justin Holder presented all their evidence that there was no evidence the wagon trail easement had been abandoned. Honorable Mark Thomas is a competent judge and findings of fact by a competent court shall not be set aside, only errors in application of the law based upon those facts. Plaintiff Jeffrey Young was a party to the temporary peace order proceedings which were held in consecutive manner as a quasi-joined action.

50.Plaintiff Jeffrey Young and Defendant Justin Holder both make claims to the fee simple unencumbered land in which the Washington County Board of County Commissions have claimed a prescriptive easement commonly known as "DogStreet Road".

51.The Washington County Real Property Administrator Todd Moser has Testified that the County is unable to locate recorded title to "DogStreet Road". "Okay.· Are you aware of

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whether there's ·a deed for Dogstreet Road? A· · Off the top of my head, I don't know if Dogstreet -- if there is a deed for that, no." Moser Depo 46:13-16.

52.Christopher Lokey, Public Information Agent for the Maryland State Highway Administration informed the Defendant through Public Information Act, that the State of Maryland is unable to locate recorded title to "DogStreet Road".

53.Plaintiff Jeffrey Young and Defendant Justin Holder both make claims to the fee simple unencumbered land or have possessor interest to aforesaid fees simple land; in which the Maryland Department of Natural Resources also makes claim by deed recorded at Liber 1015 Folio 796 et seq. of the Washington County Land Records.

54.The "Abandoned Railroad" described as the Hagerstown to Weaverton/Washington County Branch of the B and O Railroad was Abandoned by I.C.C. Docket AB 19 Sub 20 on June 19th, 1978 and served June 22nd, 1978. The aforesaid abandonment was consummated on or before November 15th, 1978 by letter from Regina Gunning, General Attorney; confirming the ties, tracks, timber were salvaged and all bridges dropped by journal entry.

55.Michael Swygert, Director of Information for the Maryland Department of General Services (Mr. Swygert), in Subpoena *Duces Tecum* served July 20th, 2021 (DGS Subpoena), did not produce any Federal "RAIL-BANKING" agreements, when specifically requested in the Schedule of Documents; to illustrate the Maryland Department of Natural Resources Federal Authority for Continued Use of the "Abandoned Railroad" as a Hiker/Biker Trail.

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56."Mr. Swygert", in "DGS Subpoena", did produce evidence the character of title CSX Transportation INC.; transferred to the State of Maryland to the benefit of the Department of Natural Resources was unknown, unconfirmed and/or contested. The Responsive documents included SKM_454e21070909521.pdf described as a spreadsheet of parcels acquired by the "Abandoned Railroad". The column on SKM_454e21070909521.pdf titled "Character of Title" was redacted.

57.Letter from CSX Transportation INC., offered to provide assistance for 10 years to reimburse the State of Maryland $3082.44 per acre, for the portions of property quit claimed by deed at Liber 1015 Folio 796, that had "claims regarding title……..confirmed by the Court" and "sale assistance [did] not include cost to defend title". Aforesaid letter is annexed to the aforesaid deed and recorded in Land Records.

58.The "Abandoned Railroad" described as the Hagerstown to Weaverton/Washington County Branch of the B and O Railroad which was acquired by the Washington County Rail Road Company as a *quasi*-public company incorporated by Chapter 334 of the Acts of Assembly of 1864, which said company was granted, by the said Act limited right "to construct a road or roads from Hagerstown to any point on the line of the Baltimore and Ohio Railroad east of Harper's Ferry … not exceeding sixty-six feet wide," and "after the purchase and condemnation thereof … may enter upon and use and excavate any land that may be wanted for the site of the said railroad.".

59.Plaintiff Jeffrey Young and Defendant Justin Holder both enter upon and make use of the "Abandoned Railroad" described as the Hagerstown to Weaverton/Washington County

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Branch of the B and O Railroad and have taken occupation of same; operating motorized vehicles and equipment on the land for maintenance and enjoyment at will.

60."[t]he general rule is that the right and title to a mere easement in land acquired by a *quasi*-public corporation, either by purchase, condemnation or prescription, for a public purpose is dependent upon the continued use of the property for that purpose, and when such public use is abandoned the right to hold the land ceases, and the property reverts to its original owner or his successors in title." *Maryland & Pa. R. Co. v. Mercantile-Safe Deposit & Trust Co*., 224 Md. 34 (1960), *Chevy Chase Land Co. v. US*, 733 A. 2d 1055 - Md (1999), *East Wash. Railway v. Brooke,* 223 A. 2d 599 - Md (1966), *Read v. Montgomery County*, 643 A. 2d 476 - Md App (1994), *DC Transit Systems v. SRC*, 270 A. 2d 793 - Md (1970), and *Montgomery Co. v. Bhatt*, 130 A. 3d 424 - Md (2016).

61.Section 3 of Chapter 334 of the Acts of Assembly of 1864 granted the "...Washington County Railroad Company, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real , personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned, **and no further**..." [Emphasis Added]

62.In case C-21-CV-20-000430, Justin Holder claimed title to the fee simple property known as the "abandoned railroad" and the Maryland Department of Natural Resources capitulated in any claims, negotiated a dismissal with Plaintiff Benjamin Estes in exchange for Plaintiff "abandoning his claim to the railbed", and was dismissed over the objection of Justin Holder.

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63.In an email from the assistant attorney general to the deputy state's attorney on October 13, 2020, she stated: "DNR understands that your office may determine to nolle pros the four citations issued to Justin Kyle Holder in June 2020. Please let me know if you plan to prosecute Mr. Holder under Criminal Law Section Article 6-301 for Malicious Destruction of Property, which you seemed inclined to pursue as late as September 11, 2020 according to your email to Mr. Holder's attorney."

64.The deputy state's attorney responded, harshly criticizing the DNR for wanting to maintain the case against Justin Holder when DNR is not even confident enough in its own title to bring an action to assert the same in civil court:

"As requested in my e-mail of October 1, 2020, please let me know how DNR is going to proceed on the civil end. Your e-mail was silent regarding my request for information – not that you have any obligation to tell me. The State will wait until the citations are set for trial to make any determination on how it is going to proceed, but given the DNR's apparent lack of interest in this matter, additional charges are unlikely, unless a different victim, who is more interested in asserting its rights steps forward. Needless to say, this office won't be devoting any keen resources to a case that the DNR won't take to civil court. I'll let you know when the citations are set. Mary [Ironside], if and when this matter goes to trial, please be ready to explain during your testimony why DNR feels that criminal charges are appropriate in a case where DNR cannot or will not exert its property rights in equity court. The Judge will want to know and understand that answer, because it goes to the heart of the matter. It is a real headscratcher." (Emphasis added)

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65.When the I.C.C. approved abandonment of the Washington County Branch of the B and O Railroad on June 18th, 1978 it did so with the authority of the Public through Congress in 1920 with the Transportation Act; which gave the I.C.C. the absolute authority to decide that an "abandoned line is a matter which the experience of the Commission qualifies it to decide. And, under the statute, it is not a matter for judicial redecision."[Emphasis Added] *Purcell v. United States*, 315 U. S. 381, 384 (1942). See further *Chicago & North Western Transp. Co. v. Kalo Brick & Tile Co*., 450 US 311 - Supreme Court 1981.

66.While the I.C.C. did provide a 180 day opportunity for the Public to claim rights , the I.C.C. did not place any conditions of Public use on the Rail Line under the 1976 Railroad Revitalization and Reform Act 49 U.S.C. Section 809(c).

67.The National Trails System Act, 16 U.S.C. 1248 Section8(d) was passed in 1983 5 years after the I.C.C. docket AB 19 sub 20 total right of way and line abandonment was consummated by November 15th, 1978 letter advising the I.C.C. the line was salvaged.

68.George Forlifer as Corporate Designee for Maryland Department of Natural Resources, on January 26th, 2022 answered the question “Does the public have any use for the abandoned railroad, eminent use to benefit the public currently?” for the Maryland Department of Resources “I don't know.”.

69.George Forlifer as Corporate Designee for Maryland Department of Natural Resources, on January 26th, 2022 answered the question “How is that land right now being used to benefit the public, if at all?” for the Maryland Department of Resources “I don't know.”.

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70.George Forlifer as Corporate Designee for Maryland Department of Natural Resources, on January 26th, 2022 answered the question “Is there any spot on the Weverton to Roxbury Rail Trail that people can ride their bikes right now, that you're aware of?” for the Maryland Department of Resources “I don't know.”.

71.George Forlifer as Corporate Designee for Maryland Department of Natural Resources, on January 26th, 2022 answered the questions “Have you ever seen anybody riding their bike on the abandoned railroad?” and “Have you ever seen anybody hiking on the abandoned railroad?” for the Maryland Department of Resources “No”.

72.The Maryland Department of Natural Resources have been on notice of Justin Holder’s claimed rights and interest, have neglected to come to Court and avail themselves of any claimed rights and interest adverse to Justin Holder and should be concluded in the same proceeding as they have acquiesced and capitulated when faced with a claim superior to any title they currently hold to the “abandoned railroad”.

73.The “Wagon Road” that burdens Defendant Justin Holder’s title located at Liber 6414 Folio 219 was created by the Washington County Railroad Company as required by Section 12 of Chapter 334 of the Acts of Assembly of 1864 ; as aforesaid Act expressly states “ways, either public or private, it shall be the duty of the said President and Directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the lands of any individual it shall also be their duty to provide for such individuals proper wagon, ways across said road or roads, from one part of his

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lands to the other, and whenever any road or roads may hereafter be authorized to be made by the Legislature, when it may be necessary to cross said railroad, the company shall make or cause to be made a proper and convenient way for road to cross, the expenses of which shall be paid as the Legislature may direct.".

74.The Public Road created by Section 12 of Chapter 334 of the Acts of Assembly of 1864 benefitted at least 3 parcels (Parcels 412, 414 and 127) with unique tax identification numbers in Keedysville, Maryland claimed by 3 unique owners simultaneously until 1963. After 1963 the 3 unique parcels were claimed by at least 2 unique owners simultaneously. On July 6th, 2017 Grantors of instrument recorded in the Washington County Land Records at Liber 5540 Folio 476 claimed to own "Parcels 412 and 127", Bryan Curtis Smith claimed to own "Parcel 414" and was not a party to the aforesaid instrument.

75.The Public "Wagon Road" created by Section 12 of Chapter 334 of the Acts of Assembly of 1864 is depicted on the 1936 J.B. Ferguson Atlas revised 1937 of the Public Roads of Washington County that hangs in the Land Records Room in the Washington County Courthouse. (1936 Atlas)

76. Defendant, Justin Holder, is the owner of lands specifically described as "8,286 square feet or 0.19 acres of land more or less" by virtue of deeds recorded among the Land Records of Washington County, Maryland at Liber 6370, folio 249 (deed "L6370f249"), Liber 6414, folio 219 (deed "L6414f219") and Liber 6729 folio 365 (deed "L6729f365"), situated within the geographical limits of the Town of Keedysville and lying and being between lands owned by Plaintiff JeffreyYoung and the Stonecrest Development, (Said lands are specifically

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described in said Deeds as the "Remaining Lands of Parcel No. 3 Liber 659, folio 580," and referred to hereinafter as the "Remaining Lands"). Deed L6370f249 purports to contain a complete chain of title to land described in deed L659f580. To the extent Grantor Stonecrest Development LLC in deed L6370f249 did not acquire perfect title to all Remaining Lands, Plaintiff has been granted all lands remaining in title of the predecessor of Stonecrest Development LLC and Grantee on L659f580, Jennifer Butts; by deeds L6414f219 and L6729f365.

77. It is the Plaintiff's burden of proof to show title that is prima facia good in sustaining his action in equity *Porter v. Schaffer*, 728 A. 2d 755, 767 - Md App(1999):

> "The purpose of an action to quiet title is to 'protect the owner of legal title "from being disturbed in his possession and from being harassed by suits in regard to his title by persons setting up unjust and illegal pretensions...."' *Wathen v. Brown,* 48 Md. App. 655, 658, 429 A.2d 292 (1981)(quoting *Textor v. Shipley,* 77 Md. 473, 475, 26 A. 1019 (1893)). In pressing such a claim, the plaintiff has the burden of establishing both possession and legal title by 'clear proof.' *Stewart v. May,* 111 Md. 162, 173, 73 A. 460 (1909); *see Polk v. Pendleton,* 31 Md. 118, 124 (1869)(stating that the claimant must prove 'clear legal and equitable title to land connected with possession').

A helpful notation in 65 Am.Jur.2d *Quieting Title* (1972 & Supp.1998) describes the various burdens of proof that traditionally apply to a quiet title action. The notation states, in part:

§ 78 Complainant's burden of proof.

> In a quiet title action, or a proceeding to remove a cloud from title, the burden of proof rests with the complainant as to all issues which arise upon essential allegations of his complaint. He must prove title in himself if the answer denies his title or if the defendant claims title adversely.... Complainant in a quiet title action must present clear or satisfactory proof of title to be entitled to relief; if the showing in this respect leaves judicial conscience in doubt, relief will be denied. As frequently stated, the complainant's right to relief depends upon **the strength of his own title**, not upon the weakness of the title of his opponent. Thus, it has been said that a plaintiff has no interest in land if he himself does not own it, and that whomever the court determines to be the true owner is of no concern to him.

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> **Having failed to establish title in himself,** he cannot complain of insufficiency of the evidence upon which the court adjudged title to be in the defendant." [Emphasis Added]

Plaintiff Young's Complaint fails on its face to establish title in Plaintiff as it unambiguously states in ¶15 "The last title owner of Parcel 3, shown on the aforesaid Plat, is unknown."

78. Deed L6370f249 Granted from Stonecrest Development LLC was executed by Professional Land Surveyor Gary Castle ("Mr. Castle"). In or around the year 2002 through 2006, Mr. Castle (or his agents) performed the Survey work for Stonecrest on Plat 8292 and signed the same as being completed under Mr. Castle's care.

79. While performing survey work for Plat 8292, Mr. Castle looked for the Stone monument and other monuments called for on deed L659f580 and/or l885f110; and in his search for aforesaid monuments broke and entered (as Member/agent/owner/licensee of Stonecrest Development LLC) the land claimed in part by Mr. Young in the instant case, only to the extent Mr. Young had actual possession of aforesaid claimed land.

80. On January 12th, 2022 Defendant Jeffrey Young told Plaintiff that his property was abandoned when he purchased it in 1988, the stone house was dilapidated, and Defendant Jeffrey Young's predecessor Harry Wickline and wife had not been living in the house or may have never occupied the property at all during their 21 year tenure.

81. Plaintiff and his agents' testified and answered discovery in the instant case that parcel 3 depicted on plat 2499 was woodlands, vacant and unoccupied wild lands until recently.

82. On January 12th, 2022 Jeffrey Young told Justin Holder that he had permission from Gary Castle and Jenifer Butts to be on the land he claims to have adversely possessed that was in Gary Castle and Jenifer Butts legal title.

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83. On January 12th, 2022 Jeffrey Young told Justin Holder he was aware there was a Road to Keedysville that passed through his claimed land at 13 dogstreet road in Keedysville, Maryland.

84. On January 12th, 2022 Jeffrey Young told Justin Holder that prior to May 29th, 2020 he has never attempted to block any road or way of travel over parcel 3 from being used by Defendants or Defendant's predecessors in title.

85. On January 12th, 2022 Jeffrey Young told Justin Holder that hunters have taken deer out of his stands, and members of the public have constantly and continuously trespassed upon the land he claims to have adversely possessed.

86. On May 29th, 2020 Jeffrey Young walked what he stated was the property line of his land at 13 Dogstreet road Keedysville, Maryland, that line beginning at an iron pin after the 6th line in deed L885f110 which is Plaintiff's exhibit in the instant complaint.

87. On January 12th, 2022 Jeffrey Young told Justin Holder that ever since he owned the property at 13 Dogstreet road, the public has vandalized his cable(s) and no trespassing signs, ripping the signs down and notoriously occupying and camping on the property he has claimed to have adversely possessed.

88. On February 22nd, 2022 Christopher Joilet, Esq. attested to having knowledge that automobiles have driven on the Road to Keedysville in the 1970's and prior, calling the Road to Keedysville a "lovers lane".

89.Deed L659f580 the predecessor deed to Stonecrest purports that the Eastern boundary of lands described therein are the same lines as the 2nd and 3rd lines on a deed dated September 10th, 1832 from David Hess of Montgomery, Ohio to Samuel Cost of Washington County, Maryland and recorded at Liber N. N. Folio 520 (deed "NN520") among the Land

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Records of Washington County, Maryland. Defendant Uncle Eddies is the record owner of land North of Stonecrest by confirmatory deed dated July 18th, 2020 from the Estate of Mary Jane Hutzell and recorded at Liber 6468 folio 345 (deed "L6468f345") among the Land Records of Washington County, Maryland. The deed L6468f345 purports to contain a chain of title back to land described on deed NN520, and further describes the property as a peninsula shaped piece of land North of Stonecrest and generally bound by the Little Antietam Creek in Keedysville, Maryland.

90.Defendant's Remaining Lands are described by Professional Land Surveyor George Nagel ("Mr. Nagel") at folio 253 of deed L6370f249 on a Surveyor Certificate appended thereto, that more particularly describes a portion of the Defendant's land in Keedysville, MD as beginning at a Stone Monument (the "Stone") "found" on the 12th line of deed dated April 30th, 1945 from Grantor's J. Albert Shank and Francis S. Harp, Attorneys in fact for Sarah E. Shank and Sarah E. Shank, widow to Roy G. Reeder and Mae Reeder, his wife and recorded among the Land Records of Washington County, Maryland at Liber 230 folio 139 (deed "L230f139").

91.In 1988 Professional Land Surveyor Frederic Frederick ("Mr. Frederick") performed survey work for Mr. Young's predecessor Harry Wickline and made a plat of same known as Plat 2499 (Plat "2499") and recorded aforesaid Plat 2499 among the Plat Records of Washington County, Maryland. Mr. Frederick "set" Iron Pins at what Mr. Frederick believed to be the Northern Boundary of Mr. Young's property described on deed L885f110.

92.Benjamin Estes is the record owner of land in Keedysville, MD East of the Little Antietam Creek and has filed suit in the Washington County Circuit Court designated as case C-21-CV-20-000430 (case "430") alleging *inter alia* to own land on the West side of the

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Little Antietam Creek, by legal title or adverse possession and requesting that the Court Quiet Title to the same. The property Mr. Estes claims, was surveyed by Mr. Frederick in 1990 and Plat 4040 (Plat "4040") was recorded among the Plat Records of Washington County, Maryland to further describe aforesaid claimed land. Mr. Frederick also prepared a property description for Mr. Estes predecessor in title that describes the claimed land being conveyed as binding on the land of Harry Hutzell jr., a predecessor to Uncle Eddie along the Western Boundary as purported in deed L6468f345. The monuments used to describe the Western boundary of Mr. Estes claimed land by Mr. Frederick were either "set" during the survey work for Plat 4040, or designated as such for the first time in the description Mr. Frederick prepared after conducting aforesaid survey work for Mr. Estes predecessor.

93.In a March 2022 deposition in case C-21-CV-20-000430, Esquire John Dowling stated he was hired by Mr. Estes because Mr. Frederick would not stand behind his survey. In case C-21-Cv-20-000371, Mr. Young designated expert surveyor Frederic Frederick as a witness, and then immediately withdrew the designation when Mr. Frederick's agent Sarah James, Esq. demanded the same from Mr. Young's agent David Pembroke, Esq.

94.Deed L230f139 references a deed dated April 1st, 1864 from Nicholas Stine and wife to Jacob Keedy recorded at Liber I. N. 17 folio 583 (deed "IN17f583") among the Land Records of Washington County, Maryland. The lines by courses and distance on IN17f583 describe the same land as Parcel 4 on L230f139 saving and excepting a parcel of land granted from Hoover to Clopper on February 14th, 1896 and recorded at Liber 104 folio 541 (deed "L104f541") among the Land Records of Washington County, Maryland. Deed L104f541 is purportedly a predecessor deed to the Southern part of Lands claimed by Mr. Estes in Keedysville, Maryland according to Mr. Frederick. The other portions of L230f139 Parcel 4

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are now part of the Rockingham Subdivision in Keedysville, Maryland or claimed by Mr. Young by deed L885f110.

95.Mr. Estes also claims lands in Keedysville, Md known as Parcel 293, which were subdivided away from the lands described as Parcel No. 4 on deed L230f139 ("parcel 293"). Parcel 293 is benefitted by an express easement for ingress and egress over and through lands claimed by Mr. Young and recorded on deeds L434f776 and L885f110. When the Defendants in case C-21-CV-20-000430 are successful in their thus far superior claim of title to land in dispute, Mr. Estes Parcel 293 will be landlocked without a right of way over and through lands of Mr. Young.

96.The 9th through 13th lines of deed IN17f583 run generally the same bearings and distances as the 2nd through the 6th lines on deed NN520. In 1865 Samuel Cost was the record owner of lands described by deed NN520 and Jacob Keedy was the record owner of lands described by deed IN17f583; therefore the 5 lines being lines 2 through 6 on NN520 and lines 9 through 13 on IN17f583 formed the divisional line between Samuel Cost and Jacob Keedy (the "Cost/Keedy" divisional line). The southern part of the property Mr. Estes claims in Keedysville, Maryland as saved and excepted from the Rockingham subdivision carve off, is generally a square described by the same courses and distances as the 7th line on the East and 8th lines on the North of IN17f583.

97.The Stone that is the beginning monument of Remaining Lands described on deed L6370f249 is depicted on a boundary survey ("Eddie's Survey") created under the care of Mr. Nagel on August 31st, 2021, see **Exhibit 1 - Eddie's Survey.** Eddies survey depicts a line drawn from the planted "Stone" "found" at the beginning of Remaining Lands on deed L6370f249 to a point allegedly on the boundary line of lands of Defendant Uncle Eddie and

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Mr. Estes at a point in the thread of the Little Antietam Creek; aforesaid line is generally the same bearing and distance as the 4th line on NN520 and the 11th line on IN17f583.

98.While some of the Remaining Lands may be included on Plat 2499 and "in rem" in the instant case filed by Mr. Young, Mr. Young has expressly limited the extent of his claim to the iron pin "set" by Mr. Frederick. Mr. Young has denied that the Stone at the beginning of Remaining Lands is the same Stone monument "found" by Mr. Nagel and beginning the 12th line on L230f139. Mr. Estes has stated the Stone monument "found" by Mr. Nagel has no impact on the boundary of his claimed lands and also relies on the Iron Pins "set" by Mr. Frederick. Mr. Frederick stated that when performing survey work for Mr. Young's predecessor in 1988 he (or agents) looked but could not find the Stone that was the beginning of the 12th line on Parcel 4 of deed L230f139, but the Stone could still be in place and Mr. Frederick said he "could be mistaken."

99.Mr. Nagel has in fact properly located the Stone monument at the beginning of the 12th line of L230f139 thus locating the Cost/Keedy divisional line and made Uncle Eddie a survey depicting the 11th line of IN17f583 and 4th line of NN520 as a line connecting the Stone to the Little Antietam Creek. Mr. Nagel on Eddies Survey, apparently relies on the Stone rather than the Iron Pins "set" by Mr. Frederick to locate the Cost/Keedy divisional line; and therefore the boundary between Uncle Eddie and Mr. Estes.

100.While part of Defendant's Remaining Lands may lie in what Messers Young and Estes have placed "in rem" by case 371 and 430 to Quiet Title; the portion of Remaining lands North of the Iron pins "set" by Mr. Frederick for Mr. Young's predecessor, and south of the iron pins "set" by Mr. Frederick for Mr. Estes predecessor does not lie within the metes and bounds of lands Mr. Young and Mr. Estes have placed "in rem" in case 371 and 430. Plaintiff

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has also acquired title by virtue of deed L6729f365 to all lands remaining in title to predecessor Samuel Cost on deed NN520; which will include any additional lands escaped when Mr. Frederick allegedly abandoned the Cost/Keedy divisional line as it existed since 1864 delineated by Stone monuments, instead "setting" new Iron Pins.

101.Mr. Estes was placed on notice of the instant claim by the Honorable Andrew Wilkinson, and by Mr. Estes' presence in courtroom 5 of the Washington County Circuit Court on March 24th, 2022, as well as a multitude of other papers and pleadings served upon him and his agents. Mr. Estes has thus far neglected to join the suit and avail himself of his rights, if any, and will be concluded to have acquiesced and capitulated to aforesaid claims.

102.The owners of lots 9 through 14 of the Stonecrest Development shown on plat 8292, have also been served notice and made aware of the claimed rights and interest in the instant lawsuit, neglected to come to Court and avail themselves of any claimed right and interest and will be concluded to have acquiesced and capitulated to aforesaid claims.

103. The most southern portion of "Remaining Lands" described by Mr. Nagel at folio 253 of deed L6370f249 is allegedly encumbered by a Public Road known as "The Road to Keedysville."

104. The 1936 J.B. Ferguson Atlas, revised 1937, of the Public Roads of Washington County that hangs in the Land Records Room in the Washington County Courthouse ("1936 Atlas"), depicts the "Road to Keedysville" crossing Dogstreet Road at a four-way intersection where Mt. Briar Road is located today, and running past or through the Remaining Lands, connecting to what is commonly referred to today as Antietam Drive, and terminating at the road known as Main Street in Keedysville.

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105.Washington County has stated and acknowledged in writing that the County does not have a deed for either Dogstreet Road, Mt. Briar Road or Antietam Drive, and that the County has not abandoned or terminated the Public rights to use any section of Dogstreet Road, Mt. Briar Road or Antietam Drive.

106.The Town designated a road Harris Lane ("Harris Lane") at the April 10th, 1961 Mayor and Council meeting when naming all of its streets, roads and alleys, and recorded the same in the Mayor and Council minutes.

107.The Herald Mail published an article with the names of the streets and alleys of Keedysville annexed to the Mayor and Council minutes of April 10th, 1961. In that article, Harris Lane was described by the Town as running southeast from Main Street parallel to the railroad tracks, and the Herald Mail describes Harris Lane as keeping its traditional name. Plat 234, dated July 31, 1926, and recorded among the plat records of Washington County depicts a road with the name Harrise Street that terminates prior to connecting to Main Street and appears to continue on to lands described on deed L659 f580. Deed dated March 5th, 1962 from Robert Line and wife to Samuel Griffith and recorded at Liber 390 folio 604 among the Land Records of Washington County, Maryland; purports to begin at a stake on Harries Street and bind on Harries Alley. Deed dated July 28th, 1972 from E. Stafford Kline and wife to Michael D. Boyd and Wife recorded at Liber 545 folio 376 among the Land Records of Washington County purports that "Parcel No. 2: Being all that part of ground situate on the Northern side of Antietam Drive (formerly known as Harries Street) in Keedysville, Washington County, Maryland..."

108.Defendant alleges the spelling of Harris Lane historically has varied as is typical with many historical names in general. The Public road named Harris Lane that connects to the

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Northern Portion of the Remaining Lands, and that was traditionally named Harris Lane runs adjacent to and West towards the Town and through land claimed to be owned by the Town, generally located between the Morral property and the path commonly known today as Antietam Drive.

109. The Town has acknowledged it has never abandoned or terminated any rights of the public to use Harris Lane or Antietam Drive.

110.The Town of Keedysville minutes of the Mayor and Council for a March 2nd, 1962 meeting report: “It was reported that the State standards for alleys and streets, wherein State revenue is used, will be 30 feet in width.”

111.On July 8th, 2020 at 8:43 Am Defendant Justin Holder sent an email to Todd Moser, Washington County Real Property Administrator (Mr. Moser), County Survey Party Chief Garrett Culler (Mr. Culler) and Professional Land Surveyor George Nagel (Mr. Nagel). The email started “You are correct. I attached the road atlas with page references.” Following “I was not asking the county to get involved in any civil property disputes, other than help identifying a county road and locating that specific road.” Explaining further “I highlighted the section of road I am working with on the road atlas and attached that to this email. I am working with a right of way that starts from the point in the highlighted section closest to the railroad tracks "Cost Crossing " south 30.75 degrees east 14 perches to a stone we found, than south 36 degrees east 10.6 perches, then down the cost keedy division line which was found, thence it follows keedys driveway to eakles mill rd.” Concluding “Mr. Moser would you please assist us in providing the document that describes the road I highlighted on the 1936 atlas and attached to this email. Please also confirm if it has been abandoned, or sold and the documents related to that.”

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112."Mr. Moser" sent an email to Defendant Justin Holder, "Mr. Culler" and Mr. Nagel", on July 8th, 2020 at 9:48 Am. Mr. Moser was responding to an inquiry that included a screenshot of the "1936 Atlas" in which the "Wagon Road" was highlighted. "The County does not have a deed for the section of road you have highlighted. The absence of a deed does not indicate that is was or wasn't a County road. In fact we were unable to locate a deed for any portion of Mt. Briar Road. Our research did not find evidence of abandonment of any portion of Mt. Briar Road. "

113. Defendant Justin Holder sent an email to "Mr. Moser", on July 2nd, 2020 at 11::13 Am writing "Thank you very much. I also attached a pic of the county road atlas. I highlighted another road [Parcel 2] but I do not have a number. If you come across that in your investigation please let me know the status of it as well. Looking at the tax map, and stonecrest [sic], or rockingham subdivision it appears that road is not being conveyed. As in the abutting properties have a 12 foot gap between boundy [sic] lines."

114."Mr. Moser" sent an email to Defendant Justin Holder and "Mr. Culler", on July 7th, 2020 at 9:10 Am in reply to July 2nd, 2020 email regarding "Parcel 2" stating "At this time no evidence was discovered that indicates the County abandoned any portion of Mr. Briar Road. The 19-06 refers to the 6th road in the 19th district and isn't the road number. The strip of ground in between the two subdivisions appears to be a portion of ground now or formally owned by Jeffrey Young. Plat #2499 and #8292 both shown the strip of ground you highlighted. This does not appear to be a County road."

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115.The Town of Keedysville 1974 Comprehensive Plan (1974 Comp Plan); was filed by Honorable Kenneth S. Ellis, Chairman of the Keedysville Planning Commission and received on March 7th, 1975 by Vaughn J. Baker, Clerk of Washington County Circuit Court. The "1974 CompPlan" was "financed in part through a comprehensive planning grant from the Department of Housing and Urban Development HUD Project Number P-1002, as administered by the Maryland Department of State Planning." The Plan was kept with the Land Records in the marriage room of the Washington County Courthouse.

116.Map 4, annexed to the "1974 Comp Plan" after page 48, illustrates a local road in the area of "Parcel 2" of the Complaint. Locals [Road] definition on page 45 of "1974 Comp Plan" as "provide direct access to abutting properties and channel local traffic to collector streets." The aforesaid local connector road is illustrated as a lane connecting "DogStreet Road" to the vicinity of the "Wagon Road" as discussed by "Mr. Moser" in aforesaid July 7th, 2020 email. Map 1 located after page 4 also illustrates the aforesaid road in the same area and purports to be adapted from United States Geological Survey Topographical Maps.

117.The "1994, revised 1999 United States Department of the Interior, U.S. Geological Survey Keedysville Quadrangle Maryland - West Virginia 7.5 Minute Series (Topographic)" (1994 USGS MAP) map containing Keedysville, Maryland was "Derived from imaginary taken 1974.....with survey control current as of 1974 boundaries." And depicts an unimproved Road encumbering the general vicinity of "Parcel 2" according to the Road Classification in the lower right hand corner.

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118.The “1974, edited 1978 United States Department of the Interior, U.S. Geological Survey Keedysville Quadrangle Maryland - West Virginia 7.5 Minute Series (Topographic)” (1974 USGS MAP) map containing Keedysville, Maryland was “Field Checked 1974” And depicts an unimproved Road encumbering the general vicinity of “Parcel 2” according to the Road Classification in the lower right hand corner.

119.Page 28 of the “1974 Comp Plan” under the heading “Local Streets” states: “Two other roads within Keedysville, both located in the western part of the Town, are relatively important for moving traffic; Dog Street and Keedysville Road. Dog Street provides access to the south, to Eakles Mills, Mt. Briar, and other small communities.”

120.In a March 17th, 2021 deposition of “Mr. Moser” (Moser Depo) Attorney Adam Greivell (Mr. Greivell) asked “Q Okay.· Okay.· And it says that in ·District 6, it's a 30-foot right-of-way.· And in ·District 40 -- I'm sorry -- District 19, it’s [DogStreet Road] a ·45-foot right-of-way. Do you believe those numbers to be ·accurate? A To the best of my knowledge, everything ·on this -- and this may be a different answer.· To the best of my knowledge, everything is accurate.” Moser Depo. 45:15–46:1.

121.“Do you have any other insight as to how ·the County may have rights to claim that Dogstreet ·Road is a public road? A· · I'm not familiar with that.· I mean, it ·could be by prescription.” Moser Depo. 49:7-11.

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122.“Q· · Okay.· And once the County has acquired ·rights to a public road, are you familiar with the process to abandon those rights? A· · Yes, I am. Q· · And could you describe it, please? A· I would take that to the Board of County ·Commissioners for formal

abandonment.· First, I ·would seek legal counsel and speak with our ·attorneys here, and then I would put it on the ·agenda for abandonment." Moser Depo. 49:21–50:8.

123.In a March 22nd, 2021 deposition of "Mr. Culler" (Culler Depo) Attorney "Mr. Greivell" asked "Q· · Well -- well, let's say, for example, ·Dogstreet Road, I think it's -- it's become common ·knowledge that nobody has a deed for Dogstreet Road, ·so nobody necessarily has any recorded instrument ·that says where it is and where it goes and how wide ·it is and how long it is, who's got responsibility ·for it. Would you agree with that? A· · I would agree that there's no -- we cannot ·find a written record, yes." Culler Depo 34:13-22.

124." THE WITNESS: As far as the width is concerned, see I do -- it is a legal question in ·that without the written document, then you're ·looking at prescriptive rights and prescriptive ·rights are -- are -- I can look at facts, but to ·come to the conclusion is -- is specifically out of ·my expertise, so to speak. BY MR. GREIVELL: Q· · I understand.· That's fair.· What kinds of ·facts would you look for? A· · Evidence of the property owners abutting. ·You know, prescriptive rights are tricky in that you ·know, you could -- you could go to old fences. ·Maybe there's a stone fence or something, but you ·could also include maybe drainage or sloped -- you ·know, sloped easements.· It's tricky though, because ·it doesn't -- it's not a one size fits all approach." Culler Depo 37:7-38:1.

125.Plat 8292 recorded in the Washington County Land Records illustrates a wire fence generally following the western boundaries of "Parcel 2" and "Parcel 3" and following the southern boundary of the Storm Water Management easement on Lot 9. "Plat 8292" states

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that fencing and permanent structures are not allowed in the storm water management area's illustrated on aforesaid plat.

126."Q· · Who did you refer it to? A· · We contacted Fox & Associates to ·basically -- if they needed to perform any surveys ·and all that, but basically to -- to verify the ·evidence that we found as it being a -- a county ·right-of-way or not, and that the reason that was ·was because of the dispute between neighbors saying ·it wasn't.· So it was kind of -- you know, it was -- ·basically was like okay, we found it to be a ·right-of-way, we thought the best interest of that ·whole situation to get Fox & Associates involved in ·at least confirming, or if we were wrong, denying ·that it was." Culler Depo 53:5-17

127."Q· · That's fair.· Thank you.· All right, well, ·I just want to ask you, do you -- would you agree ·that it's appropriate to use a tax map and aerial ·photograph to confirm a location of a right-of-way? ·A· · I would use it as a preliminary because in ·this instance, the road -- the right-of-way in ·question plotted out -- in other words in CAD or ·Civil 3D, the drawing program that we use, the deed ·plotted out and laid in over the existing aerial ·imagery fell really, really close to where this -- ·and when I say close, you're talking about a deed from the 1800s, but it was close in that it fell ·over top of the existing.· But I personally wouldn't ·say that would be enough for me in that we would do ·more surveying when we did.· We went out there, but ·—" Culler Depo 55:12 - 56:5.

128."Mr. Nagel" was accepted by the Court as an expert and testified at the July 31st, 2020 Peace Order Trial *Morral v Holder* case D-112-CV-20-000061 (Morral Trial) previously joined

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July 16th, 2021 to the [Plaintiff] *Young v Holder* trial in which Plaintiff Young petition was denied. Moral Trial 55:6-8.

129."Q Ok did you observe any evidence, any physical evidence of a way or a path or a road? A. No not particularly but the vegetation was not as developed as the surrounding woods we did do some research we pulled up old photographs in the United States Geological Survey from the 60's and I think there was one from the 70's which did indicate did show a well used path or a well used road on that area." Morral Trial 63:5 - 12.

130."Do you agree that the things that Mr. ·Nagel -- the sources Mr. Nagel consulted in order to ·confirm the existence of this right-of-way are ·appropriate things to consult in order to confirm ·the existence of a right-of-way? A·Yes." Culler Depo 58:15 - 19.

131.Q· · Okay, folks.· I'm sorry.· I'm not usually ·a speech giver when it comes to depositions, but I ·just felt like we had a disconnect there and I think ·-- I think we kind of got to the bottom of it, which ·is, would you say it's accurate that the answers ·you've been giving me are based on your assumption ·that a prescriptive right-of-way can be lost in a ·way that's different than a -- than an expressly ·granted by deed right-of-way? A· · It would be my -- it would be by ·standpoint -- from my standpoint, it is up to a ·judge to decide that.· As far as in this case, ·there's no -- there's no road today that's currently ·being used as to what you're -- what you're saying, ·and so we would have to present the facts.· If this ·was like -- if this was any other -- just like -- ·just like the whole thing earlier you asked, the ·facts would have to be presented, and it's not up to me to decide as to whether or not that is or is not ·a easement by -- no matter what it is -- an easement ·today for the public.·It's not my place to

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decide that in that ·there's no written document to support it.· And the ·only evidence -- the only evidence that -- that we ·can go by really is what we talked about earlier, ·the evidence that the road is there.· If the road is ·there and its usage of such there's -- it's not even ·-- it's not usually even debated.· It's not even ·brought up. So my standing is that I couldn't come to ·that conclusion.· It would have to be -- the facts ·have to be presented and ultimately the ultimate ·issue has to be decided by the courts." Culler Depo 73:5 - 74:15.

132."Q· · That's a -- if I -- if you were drawing a ·plat for the county and I said, hey, Mr. Culler, ·don't draw Dogstreet Road there, it's not a road, ·there's no rights there, you'd probably draw it ·anyway, right? A· · Yes.· And that's where if you wanted to ·object to that, it would have to go to the courts ·and the court's going to have to decide." Culler Depo 76:8 - 15.

133.The "Wagon Road" was described" thence along the division line between said Aaron Cost [Defendant Deena Holder, Uncle Eddie, Justin Holder "NN520" predecessor] and Jacob Keedy [Plaintiff Jeffrey Young predecessor] until intersect the road leaving from said Jacob Keedy's house to the County road leading from Keedysville to Martin Eakle's Mill." by March 22nd, 1872 grant from Aaron Cost recorded in W.McK.K. 6, folio 363 among the land records for Washington County.

134."Q· · Okay.· Probably similar question about -- ·I think you've corresponded with Mr. Holder about ·this road, 1-424, Eakles Mill Road.· I'll represent ·again that that's another right-of-way, I think using your parlance that exists.· There's a deed for ·it, 1-424, but that does not appear to be an ·improved road today.·Would you agree with that? A· · To my knowledge, I don't believe there's ·an improved road in that area. Q· · Okay.· And did you

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make a conclusion as to ·what this road used to be called? A· · I think that it's -- has a couple names, ·but — Q· · What do you think they are or were? A· · I think that on the deed itself, I think ·he calls it Martin Eakle -- I think it was called ·Martin Eakles Mills Road, I think is what it said on ·the deed." Culler Depo 85:19 - 86:15.

135."Q· · How would you determine if it was still ·paved? A· · I'd have to scrape under the surface, I ·guess. Q· ·And by this point it shows Mr. Young's ·parcel 2 up here as just being a double dashed line. ·So I guess per their classification, this would be ·an unimproved road. Q Would this be some evidence that there was ·a path through this area as of the time this map was ·created? A· · It's evidence of an unimproved road." Culler Depo 150:1-12.

136.On June 3rd, 2020 Maryland Department of Natural Resource employee George Forlifer marked the boundaries of the "Abandoned Railroad" in the vicinity of the "Wagon Road" as it encroached/burdened the "Abandoned Railroad", Washington County Forest Conservation and Town of Keedysville fee simple property described on plat 8292; as illustrated unambiguously on B and O Railroad 1919 valuation maps proved by "Mr. Swygert" in "DGS Subpoena"; the Defendant observed blacktop and pavement under the compacted dirt and later took a video to evidence the same.

137.On October 11th, 2020 Defendant Justin Holder made a Public Information Request to Washington County Attorney B. Andrew Bright "Please provide the following public information and documents. All documents, evidence, pictures, photos, *acts in pais* notoriety, deeds, county road book description, surveys and drawings that shows 'Geeting Road, Dogstreet road, mt carmel church road, or reno monument road, as well as mt. Briar

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Road and trego road and garland road, and harpers ferry roads' or 'county road 19-06, 19-05. 19-04,08-03, 0-09, 08-01 as shown in screenshot of 1936 atlas found on plats.net' is owned by the county and or that road has not been abandoned"

138.On November 21st, 2021 Washington County Attorney B. Andrew Bright replied to Defendant Justin Holder's October 11th, 2020 request stating *inter alia* "As you desire to have a simple answer as to the ownership of various roads, particularly the ones that have fallen into disuse. I can assure you that the County does not possess a simple record that yields an easy yes or no answer to your question. I can further assure you that if the County were to lay claim to such a simplistic answer, individual landowners affected would dispute and potentially litigate it, further disappointing you. As to your question or implication regarding 'knowing or willful' denial, no such denial has occurred."

139.Washington County Attorney, B. Andrew Bright referred to the "Wagon Road" as an "ancient road and rights of way which extend across other properties in Keedysville, Maryland but are no longer in use" in an October 23rd, 2020 letter to the State of Maryland Public Information Act Compliance Board.

140.On October 23rd, 2020 in a letter to the State of Maryland Public Information Act Compliance Board, Washington County Attorney B. Andrew Bright wrote: "Mr. Holder protests that Washington County lacks a 'clear, concise and objective' catalog of records (and standards) as to whether roads that have long fallen into disuse are owned or have been abandoned by the County." Protesting that "Obviously the County does not have a succinct tabulation of records of all 'evidence, pictures, photos, *acts in pais*' etc., showing

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ownership or abandonment of what may or may not be a public roadway." Concluding " Not coincidently , the road being investigated by Mr. Holder is the subject of several recent [sic] and/or litigations in which Mr. Holder is a party."

141.On December 9th, 2020 in a letter to the Defendant in reply to a December 1st, 2020 correspondence, Washington County Attorney B. Andrew Bright wrote: "You [Defendant Justin Holder] have made clear your request that the County either repair the roads you have identified or abandon any claim that it may have to them. To the best of my knowledge, the County has not decided what, if anything, to do with the roadways that you have identified. Our office is not in a position to commit the County to either of those options."

142.On July 9th, 2021 Defendant Justin Holder offered to purchase, by quit claim only, all the rights title and interest in the "Wagon Road", from Washington County Commissioners for $25,000 or more if requested. The Defendant included the cost of preparation of the deed in his offer. The offer to purchase the "Wagon Road" mentioned that if the county has no rights title and interest in the "Wagon Road", it would be a $25,000 donation. On August 2nd, 2021 the County Commissioner declined the aforesaid offer to quit claim the "Wagon Road".

143.The Town of Keedysville named the "Wagon Road" Harries Lane at the April 10th, 1961 Mayor and Council meeting when naming all of its streets, roads and alleys, recorded the same in the Mayor and Council minutes and the Herald Mail published an article with the names of the streets and alleys of Keedysville annexed to the Mayor and Council minutes of April 10th, 1961.

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144.The Town of Keedysville minutes of the Mayor and Council for a March 2nd, 1962 meeting report: “It was reported that the State standards for alleys and streets, wherein State revenue is used, will be 30 feet in width.”

145.The Town of Keedysville, MD Planning and Zoning January 2019 minutes posted on the website state: “Justin & Deena Holder discussed his desire to reconfigure the property lines at his property at 28 Antietam Drive. He presented a sketch to the commission members of what his desire is. He said he desires to have Washington County provide public sewer to the properties. Mark Bradshaw, of Washington County will not approve a sewer plan until he knows how many connections are needed. Therefore, Mr. Holder is desirous of the Commissions blessing on a plan.”

146.The Town of Keedysville, MD Planning and Zoning February 2019 minutes posted on the website state: “Because of the narrow nature of the access road to the [Deena Holder Defendant] properties and the fact that there will be only three residences, Mr. Rhoads made a motion to wave the right-of-way requirements of the Subdivision Ordinance. Ms. Baker seconded. Motion passed unanimously.”

147.The Town of Keedysville, MD February 2019 minutes posted on the website state: “Because of limited access to the [Deena Holder Defendant] properties, Ms. Baker made a motion to waive the 80’ road frontage requirement of the Zoning Ordinance. Mr. Carroll seconded. Motion passed unanimously.”

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148.On March 4th, 2020 during the Town of Keedysville monthly meeting of the Water Commission Defendant Justin Holder was notoriously made aware that Defendant Deena

Holder had a necessity for an easement to install a water and sewer line to her property in Keedysville, Maryland. Water Board Chair Barry Level and Councilman Mathew Hull Stating unambiguously there is no easement/Right-of-Way, alleging the Washington County Department of Water Quality deemed the narrow access road was not sufficient.

149.The Town of Keedysville, MD Planning and Zoning June 2020 minutes posted on the website state: "Justin & Deena Holder, with their attorney, Adam Greivell were present to discuss their claim that they have a right-of- way that passes through the Stonecrest subdivision in a storm water management area and a forest conservation area. Mr. G[r]eivell & Mr. Holder said that they just wanted to make the Commission aware of this. Mr. Holder said that he intends to put a road through the right-of-way for access to the Holder's properties and that he would be providing the Town with a plat showing the location of the road."

150.The Town of Keedysville, Maryland Planning and Zoning minutes from July of 2020, available on the Town of Keedysville webpage state: "Justin and Deena Holder presented documents that they say show a county road right of way and their plans to construct an access road to properties at the end of Antietam Drive. They also said a fence was constructed in a Stormwater Easement by a resident is [sic] Stonecrest. The documentation they provided is attached to these minutes."

151.The Town of Keedysville, Maryland Planning and Zoning minutes from July of 2020, available on the Town of Keedysville webpage include plats of the location of the "Wagon Road", titled "Approximate Location of Access Easement" and certified by "Mr. Nagel"; and

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demonstrative highlighted copies of plat 8292 of the Washington County land records illustrating the location fences or other permanent structures are not allowed. The general location of the Access easement illustrated by "Mr. Nagel" is in close proximity to the location on plat 8292 prohibiting fences and other permanent structures.

152.Defendant Justin Holder on May 29th, 2020 by himself and through agents cleared land described in his legal title and as "Parcel 3" with machinery openly and notoriously seizing possession of the land. "Q Can identify what's depicted in Plaintiff's Exhibit 4? A [Christine Morral] Ok. This — I took this from our property looking to the right behind our next door neighbors fence, as they [Justin Holder and agents] were coming through Jeff Young's [alleged in Complaint] property with their — Bobcat, and there was someone in front with a chainsaw." Moral Trial 14:9-15.

153.Defendant Justin Holder from May 29th, 2020 through October 1st, 2020 walked, maintained, photographed or video taped the property referred to as the "Abandoned Railroad" and "Parcel 3" 2 or 3 times per week on average. Defendant Justin Holder did so openly and notoriously with recorded title on his person at all times.

154.Defendant Justin Holder has installed electrical service, stored construction materials, built steps, cleared/maintained paths and maintains overseas containers on his land formerly the "Abandoned Railroad" of which he has legal title and the legal right to do. "About six months ago we noticed that there was activity beyond their property line. They [Justin Holder] planted trees on our side of the cut (didn't think much of it, Justin Holder told us it was to add privacy). They [Justin Holder] have been clearing in areas of land across

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the cut, seemingly to build something. They have been also clearing areas of land [allegedly]owned by Maryland general real estate as well. Evidently, they have been clearing hiking trails and a swimming area at the creek. Several neighbors on the tree line side of our neighborhood have seen him walking around and taking pictures of the [allegedly] Maryland owned property. We have noticed enough activity that we have become curious as to what he is doing in the [allegedly]state owned area.*RE: Please Advise*" Email from Christine Morral to Kenneth Lord Mayor of the Town of Keedysville, Maryland May 21st, 2020.

155.Justin Holder has posted his title openly and notoriously; making his claim to the "Abandoned Railroad" in the Town Minutes of Keedysville, sending his legal title directly by email to Assistant Attorney General Talley Kovacs, Attorney for Department of Natural Resources on at least 3 occasions, showing his deed to anyone who asked for it and anyone who has a right to see it.

156.The Department of Natural Resources have not made claim superior to the recorded title of Justin Holder to the "Abandoned Railroad" in over 30 email correspondence with Justin Holder discussing the States alleged claims. When asked to prove their title *vel non,* the States Attorney Joseph A. Michael (Mr. Michael) called Defendant Justin Holder a "Fraud, bootstrapping a colorable claim", Defendant obliged the State with a 2 page letter quoting "Mr. Michael" and the Honorable Judge Chasanow from *Chevy Chase Land Co. v. US*, 733 A. 2d 1055 - Md: Court of Appeals 1999, in concluding the same of the State. The State did not respond to the Email.

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157.In Liber 6366 Folio 359 of the Washington County Land Records the Grantor Department of Natural Resources describes the "Abandoned Railroad" as "claims ownership interest of all that land.....recorded at Liber 1015 Folio 796" in an easement Granted to the Town of Keedysville, MD in the vicinity of this dispute. The Department of Natural Resources can not and will not dispute that Justin Holder maintains exclusive dominion of the land described in his legal title held at Liber 6729 Folio 365 et seq. of the Washington County Land Records.

158.David and Erin Ickes , of 130 Stonecrest Circle are trespassing on part of "Parcel 3" directly East of their "Ickes Property" in Keedysville, MD, mowing the grass, planting bushes and attaching ornamental lights to trees *inter alia*.

159.Plaintiff Jeffrey Young has chained a wagon to a tree at the South end of "Parcel 3"; trespassing and creating a private nuisance on Defendant Justin Holder's fee simple estate.

160.Plaintiff Jeffrey Young has conspired with Scott and Christine Morral, Benjamin and Lisa Estes, Charles Blancato, Susan Selby and others (the "Conspirators") to pile trees in the road and on property of the Defendant's to interfere with the Defendants property rights. These acts of interference with Public Conveyance are allegedly unlawful under Criminal Article § 10-201. Furthermore the erection of fencing by Scott and Christine Morral and Susan Selby in a stormwater management easement is also unlawful. These malicious, willful evil and unlawful acts that give rise to any action at law Barr the conspirators from equitable remedy in the Circuit Court. The Conspirators are nothing more than tortfeasors and criminals demanding the Court reward them for their bad behavior.

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161.Defendant Justin Holder is seisen in the entirety of his freehold estate in Keedysville, Maryland, maintaining exclusive dominion over all his land; with the exception of Land east of the "Ickes Property", land underneath a wagon that Plaintiff has chained and locked to a tree, land conspirators have allegedly succeeded in interfering with his use and enjoyment of as described in case C-21-CV-20-000420 and any legal use by the Public or Defendant invitees.

162."The Stone" Monument "found" by professional Land Surveyor George Nagel of Fox and Associates Engineering as described on Deed held at Liber 6414 Folio 219 et seq. of the Washington County Land Records; and on deed at Liber 6370 Folio 249 (Title from Stonecrest Developer LLC - The "Developer" referenced in Complaint Paragraph 18); and on Plaintiff predecessor deed Liber 434 Folio 776 in which "The Stone" is the beginning monument for "parcel 1" and "parcel 3" on aforesaid deeds.

163.Christine Morral, record owner of adjoining property in "Stonecrest" to "Parcel 3" testified in District Court on July 16th, 2020 that she observed Defendant Justin Holder talking on the phone and present behind her residence on June 20th, 2020. "He [Justin Holder] didn't know that me [Christine Morral] and my dog were there. I went almost all the way to where our fence is, the corner of our fence he [Holder]was on the other side..... He [Justin Holder] didn't know we were there and I [Christine Morral] heard him on the phone, he had his phone down like this and he was on speaker. And he [Justin Holder] was talking to someone on the phone, I don't know who, it was a man ["Mr. Nagel"], and I heard him say, I think I found that rock ["The Stone"] your talking about, yeah I think I found that

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Marker you were telling me about, it looks like I have more work to do...." Concluding 19:1 - 8.

164.Both "Parcel 2" and "Parcel 3" were a special warranty/quit claim transaction at Liber 434 Folio 776 of the Washington County Land Records and the Grantor only warrantied "Parcel 1" to Plaintiff Jeffrey Young predecessor Harry Wickline. In a quit claim deed the grantor quits his claim to the land and conveys ownership only to the extent he has good legal paper title, which in 1966 the Wicklines had no legal paper title to Parcel 2 or 3, and Plaintiff can not and will not prove otherwise.

165."The Stone" Monument described on Surveyor Certificate attached to Deed at Liber 6414 Folio 219 et seq. of the Washington County Land Records as "found' by "Mr. Nagel" was "found" by Professional Land Surveyor [Mousk?] in 1965 when performing survey work for Harry Wickline, predecessor to Jeffrey Young; and recorded in the land records at Liber 434 Folio 778 as a plat, depicting planted stone described on Deed Liber 434 Folio 776 in the Northwest Corner, at the beginning of "Parcel 1" and "Parcel 3" on aforesaid plat.

166.Professional Land Surveyor Frederic Frederick (Mr. Frederick) testified on March 16th, 2021 "· BY MR. RUBLE: Q.· ·So this exhibit is really just a page 3 Liber 434 Folio 778 of the deed to Wickline which has got the Mause [sic] 1965 survey and then the second page of the exhibit is the 1988 survey [Plat 2499}.· These are the same lands, right, Mr. Frederick? A.· ·I believe so. Q.· ·Okay.· So in comparing the two then, the 1966 deed description into the Wickline starts at a planted stone ["The Stone"] beginning of the 12th line of the 1945 deed to ·Reeder, which I believe is up here in the corner.· I don't· know if you all can see my

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mouse or not. A.· ·I see it. ·Q.· ·And did you find that stone or did your folks find that stone? ·A.· ·Can you scroll down to my survey so that I can --- · Q.· ·Sure. ·A.· ·--- see it quickly?· And zoom in on it, please.· (Whereupon, the witness reviewed the document as requested.) THE WITNESS:· We did not find that stone because we say we set an iron pin there. · BY MR. RUBLE: **·Q.· ·Okay.· If you had found that stone, would you have shown that stone instead of setting a pin?** ·A.· ·If we could prove that it was the original stone. What do I mean by that?· There's a lot of stones occurring· in nature everywhere, so just because you find a stone doesn't mean it is the stone recited in a deed.· So you need to prove it by finding measurements that verify that it is that stone. **Q.· Okay.· Was any of that done with regard to this ·planted stone that appeared in the 1965 survey that you all didn't find?· Did you search for it and try to measure up where it would be?** A.· ·We did. **·Q.· ·And couldn't find the stone?** A.· ·We did not. **·Q.· ·Okay.· So if another surveyor were to say here in 2021 that he can go find that stone, would he be mistaken or would you be mistaken?** A.· ·We could be mistaken, but we looked for it and we didn't find it.· And, you know, some people set these things as they want to.· So it wasn't there, to the best of· our knowledge, that my survey crews did not find it. **·Q.· ·Would I be correct to refer to that planted stone as a monument?** A.· ·If it's the original stone, yes." "Mr. Frederick Depo" 23:14 - 25:18 March 16th, 2021.

167.Uncle Eddies brokedown palace LLC (Uncle Eddie) by record title at Liber 6468 Folio 345 claims to be the beneficiary of the "Wagon Road" that burdens Defendant Justin Holder's land described on deed Liber 6729 Folio 365 et seq. Of the Washington County Land Records.

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168.“Uncles Eddies” deed at Liber 6468 Folio 345 et seq. of the Washington County Land records contains a complete chain of title that the Defendant has personally verified and provided affidavit of the same to the Circuit Court in *Estes v Holder* case C-21-cv-20-000430.

169.“Uncles Eddies” deed at Liber 6468 Folio 345 et seq. of the Washington County Land records contains a complete chain of title that Title Expert Tracie Clabaugh has certified correct and provided an Opinion letter of the same.

170.Samual Cost of Washington County Maryland was predecessor in title to “Uncle Eddie” by virtue of land contained in deed N.N. Folio 520 of the Washington County Land Records (NN520).

171.The third line on the “NN520” description states “to a stone standing at the end of the line of Fellfoot Enlarged”

172.The fourth line on “NN520” description states “N77E 8p to Little Antietam Creek, then down said Creek the nine following courses”

173.The Resurvey of Fellfoot Enlarged (RSFE) March 15th, 1792, Recorded in the Washington County Land Records at Liber G Folio 621 starting at the end of the eighth line from the bottom of Folio 623 states: “Beginning for Jacob Hesse's part of said land described on the plat by No. 6 at a stone marked I.H.[Not “The Stone”] on one side and M. S. on the other in a lane [Not “Wagon Road”] at the end of two hundred and seventy eight perches and thirteen feet on the forty sixth line of the whole tract and running thence with the outlines of the said whole tract until the fifty seventh line thereof of crosses little Antietam

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to the east side thereof then up and with the meanders of little Antietam the several following courses...[Next 4 Courses Generally run with the 5th through 8th lines of "NN520" except NN520 is on the west bank and "RSFE" is on the east bank and the lines gradually depart as they approach the confluence of the Big Spring Branch located in the Northeast corner of "Plat 10955"] .....to intersect the 23rd line of the whole Tract than by and with the outlines of the said whole Tract to a Stone [Not "The Stone] marked I. H. Standing at the end of nine perches and eight links in the twenty seventh line thereof And then by a straight line to the beginning which straight line is the divisional line between the said Jacob Hess and Mich [Spuert]"

174.David Hess of Montgomery County, Ohio, by virtue of 1815 Last will and testament of Jacob Hess on file with the Washington County Register of Wills; was the Grantor of "NN520" to Samual Cost.

175."Uncle Eddie" shares a boundary with Benjamin Estes at the Little Antietam Creek beginning generally at the end of the fourth line of "NN520".

176.In 1866 Parcel "NN520" was bisected by the "Abandoned Railroad" when Sam Cost by virtue of deed located at Liber I.N.18 Folio 488 of the Washington County land Records; Cost Granting the Washington County Railroad rights "through the entirety[sic] of his lands".

177.Benjamin Estes is the owner of record of land north of the "Abandoned Railroad" and east of the Little Antietam Creek in Keedysville, Maryland.

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178.Plaintiff Jeffrey Young is the owner of record to land south of the “Abandoned Railroad” and east of the “Wagon Road”in Keedysville, Maryland, the Little Antietam Creek bisecting his parcel .

179.“Uncle Eddie” is the owner of record of land north of the “Abandoned Railroad” and west of the Little Antietam Creek in Keedysville, Maryland.

180.Scott and Christine Morral and the Stonecrest subdivision as laid out on plat 8292 of the Washington County Land Records (Stonecrest) are the owner of record of land to the north of the “Abandoned Railroad” and burdened by and west of the “Wagon Road” in Keedysville, Maryland.

181.The Town of Keedysville is the owner of record of land burdened by the “Wagon Road” express easement; aforesaid land described as Washington County Forest Conservation Easement area on plat 8292 (Forest). The Town of Keedysville or Washington County ‘writ large has not contested the use or maintenance of the “Wagon Road” easement when the Defendant has discussed the same in emails with the Town of Keedysville and/or Washington County.

182.On April 15th, 2017 Historian Ted Ellis published “Braddock's Neglected Route: The Forgotten Fork of the Conococheague Road on Maryland's Western Frontier” a book about the road General Braddock and George Washington walked in 1755. The book contains a comprehensive list of land records evidencing the *ACTS in PAIS* notoriety of the “Wagon Road” and other parts of the road to Jacob Hess’s Mill in Keedysville, Maryland.

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183.Defendant Justin Holder is the owner of record of land in the middle of "Stonecrest", "Uncle Eddie", Plaintiff Jeffrey Young and Benjamin Estes in Keedysville, Maryland; and maintains exclusive dominion over the aforesaid land.

184.On October 4th, 2021 Defendant Justin Holder deposed Christopher Wetzel. Christopher Wetzel owns property known as lot 8 on plat 8292 of the Stonecrest development. Christopher Wetzel was aware of the lawsuit and understood what the lawsuit was generally about. Christopher Wetzel was aware of Deena Holder's wagon road easement and has no knowledge Deena Holder's wagon road easement was ever blocked, abandoned or terminated. Christopher Wetzel would welcome a path for children to walk to Taylor Park from the Rockingham subdivision, and does not contest Deena Holder's use of her wagon road.

185. On October 5th, 2021 Defendant Justin Holder deposed Charles Blancato. Charles Blancato owns property known as lot 14 on plat 8292 of the Stonecrest development. Charles Blancato was aware of the lawsuit and understood what the lawsuit was generally about. Chrarles Blancato was aware of Deena Holder's wagon road easement and has no knowledge Deena Holder's wagon road easement was ever blocked, abandoned or terminated. Charles Blancato does not contest Deena Holder's use of her wagon road.

186. On December 20th, 2021 Defendant Justin Holder deposed David Ickes. David Ickes owns property known as lot 11 on plat 8292 of the Stonecrest development. David Ickes was aware of the instant lawsuit and relief requested. David Ickes confirmed he signed an affidavit that he did not contest any of the relief requested in the lawsuit. Upon further

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examination David Ickes did inform the Defendant he would not want Deena Holder to have a wagon road through the property he admitted to mowing as his yard. David Ickes did not claim to have any knowledge Deena Holder had abandoned or terminated her rights to the wagon road easement. David Ickes testified to facts that tend to show his actual possession of the land at issue in the instant litigation.

187. On October 4th, 2021 Defendant Justin Holder deposed Erin Ickes. Erin Ickes owns property known as lot 11 on plat 8292 of the Stonecrest development. Erin Ickes was aware of the instant lawsuit and relief requested. Erin Ickes initially testified that she did not contest any of the relief requested in the instant lawsuit. Upon further examination Erin Ickes did inform the Defendant she would not want Deena Holder to have a wagon road through the property she admitted to maintaining as her yard. Erin Ickes did not claim to have any knowledge Deena Holder had abandoned or terminated her rights to the wagon road easement. Erin Ickes testified to facts that tend to show her actual possession of the land at issue in the instant litigation.

188. On December 7th, 2021 Defendant Justin Holder deposed John Pickett. John Pickett owns property known as lot 12 on plat 8292 of the Stonecrest Development. John Pickett was aware of the lawsuit in the instant case. John Pickett did not have any knowledge that Deena Holder had abandoned or terminated her rights to use a wagon road along the rear of his claimed property. John Pickett did not make a claim to own property at issue in the instant litigation.

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189. On October 5th, 2021 Defendant Justin Holder deposed Kristen Pickett. Kristen Pickett owns property known as lot 12 on plat 8292 of the Stonecrest development. Kristen Pickett was not aware of the instant lawsuit, but was shown the notice Plaintiff has now posted. Kristen Pickett does not have any knowledge Deena Holder had abandoned or terminated her rights to use the wagon road easement through the rear behind what she claimed was her property.

190. On October 4th, 2021 Defendant Justin Holder deposed Susan Selby. Susan Selby owns property known as lot 10 on plat 8292 of the Stonecrest development. Susan Selby was not aware of the lawsuit, but was shown the notice Plaintiff has now posted. Susan Selby did not make a claim to ownership of any land that is the subject of the litigation. Susan Selby stated she did not have any factual evidence or personal knowledge that Deena Holder abandoned or terminated her rights to the wagon road.

191.On October 5th, 2021 Defendant Justin Holder deposed Rebecca Larson. Rebecca Larson owns property known as lot 13 on plat 8292 of the Stonecrest development. Rebecca Larson was aware of the lawsuit, and did not make a claim to ownership of any land that is the subject of the litigation. Rebecca Larson stated she did not have any factual evidence or personal knowledge that Deena Holder abandoned or terminated her rights to the wagon road. Rebecca Larson stated that so long as the wagon road was not on her claimed property she was indifferent to its use.

192.The Town of Keedysville and its agents do not have any factual evidence or personal knowledge that Deena Holder has abandoned or terminated her rights to the wagon road

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easement. The Town of Keedysville has stated publicly through agents that the Town will abide by the Courts decision in the instant litigation.

193.The Maryland Department of Natural Resources and its agents do not have any factual evidence or personal knowledge that Deena Holder has abandoned or terminated her rights to the Wagon Road easement.

194.The centerline of the Weaverton to Roxbury branch of the Washington County Railroad "as built" was lost to antiquity when the railroad was abandoned and the tracks and ties were salvaged on or before November 15th, 1978.

195.The Town of Keedysville, Maryland; Washington County Maryland Government or State of Maryland have made no claim of taking of private property rights or abandonment/ termination of public property rights when approving and/or signing plat 8292 or plat 10649. Plat 8292 was signed by the County Health Officer.

196.Plat 8292 expressly states that there may be other encumbrances not depicted on the plat. Plat 8292 expressly states the plat was completely without a title search.

197.Defendant Justin Holder has made extensive inquiry with the Washington County Government and its agents, and the Washington County Government has no factual evidence or personal knowledge Deena Holder has abandoned or terminated her right to use the wagon road easement.

198.The Town, County and State of Maryland have been examined in the instant case. The Town, County and State of Maryland do not dispute that they are prohibited by Article III §

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40 of the Maryland Constitution and/or the 5th Amendment of the United States constitution from taking of private property when approving plats or conducting planning and zoning activities. Any act by the Town, County and State of Maryland in approving a plat as an affirmative act to condemn property rights is *ultra vires*, unlawful and the presumption is that the government protects the rights of its citizens.

199.Defendant Justin Holder has made an inquiry with the universe, including members of Dan Ryan Builders and Stonecrest Developers, the Washington County Government, the Town of Keedysville, the State of Maryland and owners of property in the Stonecrest Development. Defendant Justin Holder has not located ANY FACTUAL EVIDENCE OF ABANDONMENT OF THE EXPRESS WAGON ROAD EASEMENT recorded on his title deed(s). Plat 8292 and 10649 both unambiguously state that there may be other encumbrances than what is depicted on the plat(s), that no title search was done in making the plat(s) and in fact there are other encumbrances notoriously recorded in the Grantor/ Grantee index that do potentially encumber property depicted on plat 8292 and 10649. ANYONE WHO SIGNED plat 8292 or 10649 certifying there was no encumbrance WAS NEGLIGENT or WORSE in doing so. Expert Christopher Joliet, Esq. stated that plat 10649 was just wrong, Expert John Dowling, Esq. stated that Frederic Frederick will not stand behind his surveys related to certain property disputes and Frederic Frederick refused to come to Court and testify for Plaintiff Young regarding plat 2499. Mayor Ken Lord of Keedysville, Maryland was discussing plat 8292 and the wagon road easement with Defendant Justin Holder in a May 22nd, 2020 email concluding "...I hear that you found an easement that no one else was aware of...Surveyors and engineers carry liability insurance for this reason. In the case that something was missed, or a mistake was made by those who

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engineered the site, then they are the responsible party...If you have found a legitimate easement, or some record of rights to a piece of ground, then the courts will see that and some changes will have to be made...."

200. The Court of Special Appeals, in *Beins v. Oden*, 155 Md. App. 237 (2004), quite aptly summed up the law in this regard as follows:

> The Court [in *Lowes v. Carter*, 124 Md. 678, 93 A. 216 (1915)] held that the subsequent purchaser of the burdened property obtained title after the easement had become part of the public record and was therefore charged with implied notice of the existence of the easement and bound by it. *Id*. at 685-86, 93 A. 216. The practical effect of *Lowes* is that "in Maryland one is bound by every express encumbrance on his property which he could have found in the records." *Steuart Transportation Company v. Ashe*, 269 Md. 74, 95, 304 A.2d 788 (1973) (quoting Roger D. Redden, *Equitable Enforcement of Implied Restrictions on the Use of Land*, 16 Md. L.Rev. 51, 59 (1956)). The Court in *Steuart* recognized that the rule that a person is bound by what could be found using the grantor-grantee index is a harsh one but is nevertheless "well established in this State." *Id*. at 96, 304 A.2d 788.

Id (emphasis added).

In *Olde Severna Park Improvement Association, Inc. v. Barry*, 188 Md. App. 582 (2009), the Court of Special Appeals struck a similar chord, confirming: "Moreover, a 'party who has placed his written title on record has given the notice which every person is bound to know and respect. The law does not require him to go further.' *Savonis[v. Burke*], 241 Md. [316,] at 320-21 [(1966)]." (Emphasis added).

201.Plaintiff Young, Dan Ryan Builders, residents of Stonecrest Development and the Public 'writ large; or all the aforementioned partite's agents and engineers, failed to perform a competent title search when transacting real estate in the vicinity of the instant property dispute. The Defendant's have placed their superior title on record, and faith in the Court.

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

VERIFICATION

I solemnly affirm under the penalties of perjury that the contents of the aforegoing paper are true to the best of my knowledge, information and belief.

Justin Holder

WHEREFORE, Defendant, Justin Holder, denies Plaintiff's claims and demands judgment and declaratory relief in his favor as to all allegations directed against him, for dismissal of Plaintiff's Complaint and Petition, and for such other and further relief as the nature of this cause may require.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

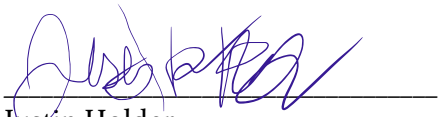
Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
holder2004@Gmail.com

VERIFICATION

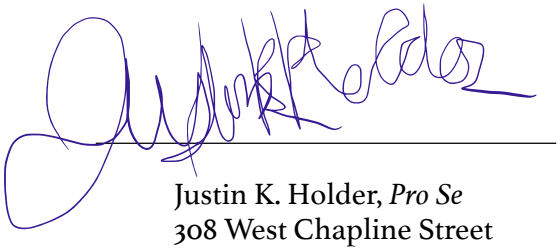
I solemnly affirm under the penalties of perjury that the contents of the aforegoing paper are true to the best of my knowledge, information and belief.



Justin Holder

WHEREFORE, Defendant, Justin Holder, denies Plaintiff's claims and demands judgment and declaratory relief in his favor as to all allegations directed against him, for dismissal of Plaintiff's Complaint and Petition, and for such other and further relief as the nature of this cause may require.

Respectfully submitted,



Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

NOTICE OF JURY TRIAL

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Notice Requesting a Jury Trial under the 7th Amendment of the United States Constitution and Article 23 of the State Constitution and in accordance with Rule 2-325(a) and MD Cts & Jud Pro Code § 3-404 (2019).

Justin K. Holder, *Pro Se*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2022, a copy of the foregoing Second Amended Answer to Complaint, Comparison Copy - Second Amended Answer to Complaint and Notice of Jury Trial was served via the MDEC system to :

Roland David Pembroke, Esq.,
Brandy Peeples, Esq.,
Robert Kline, Esq.,
Justin Holder, *Pro Se*.

Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

308 W. Chapline St.
Sharpsburg, MD 21782
t: (240) 356-2008
Jholder2004@Gmail.com

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Plaintiff's Motion for Opposition to Motion for Rule 2-211 Required Joinder of Parties and the opposition filed thereto, it is this 26th of May, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's request be DENIED.

Andrew F. Wilkinson
JUDGE

R. David Pembroke, Esquire
Aaron Neal, Esquire
Matthew Ruble, Esquire
Brendan Callahan, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
May 27, 2021

E-FILED Washington Circuit Court 7/9/2021 10:52 AM System System
E-FILED; Washington Circuit Court
1093 Docket: 7/9/2021 10:52 AM; Submission: 7/9/2021 10:52 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant Deena Holder's Motion to Dismiss for Failure to Join Necessary Parties and the opposition filed thereto, it is this 8th of July, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's request be DENIED with prejudice.

Andrew B. Wilkinson

JUDGE

Andrew F. Wilkinson

R. David Pembroke, Esquire
Matthew Ruble, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
July 9, 2021

E-FILED Washington Circuit Court 6/10/2021 8:43 AM System System
E-FILED; Washington Circuit Court
1094 Docket: 5/6/2021 12:43 PM; Submission: 5/6/2021 12:43 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
	*	
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant's Bill Quia Timet and Request for Declaratory Judgment and the opposition filed thereto, it is this 06/09/2021 day of _____, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's request be DENIED with prejudice.

JUDGE

06/09/2021 4:37:19 PM

Dana Moylan Wright

R. David Pembroke, Esquire
Matthew Ruble, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
June 10, 2021

E-FILED Washington Circuit Court 7/9/2021 10:28 AM System System
E-FILED; Washington Circuit Court
1095 Docket: 7/9/2021 10:28 AM; Submission: 7/9/2021 10:28 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant Justin Holder's Motion for Final Judgment of Recorded Title to Parcel 3 and the opposition filed thereto, it is this 8th of July, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's request be DENIED with prejudice.

Andrew F. Wilkinson
JUDGE Andrew F. Wilkinson

R. David Pembroke, Esquire
Matthew Ruble, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

E-FILED Washington Circuit Court 7/27/2021 11:32 AM System System
E-FILED; Washington Circuit Court
1096 Docket: 6/27/2021 10:38 AM; Submission: 6/27/2021 10:38 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant's Opposition to Motion to Alter or Amend June 9th, 2021 Order Dismissing Bill/Motion/Declaratory Judgment with Prejudice and the opposition filed thereto, it is this _____ day of _____, 2021 by the Circuit Court of Washington County, Maryland, 07/26/2021

ORDERED that the Defendant's request be DENIED with prejudice.

07/26/2021 3:37:41 PM

JUDGE

Dana Moylan Wright

R. David Pembroke, Esquire
Matthew Ruble, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
July 27, 2021

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant Justin Holder's Notice of Jury Trial and the Motion to Strike/Oppose filed thereto, it is this 31st of August, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's request for Jury Trial be stricken and be DENIED. The matter shall be set for a 2 day bench trial.

JUDGE
Mark K. Boyer

R. David Pembroke, Esquire
Matthew Ruble, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
August 31, 2021

E-FILED Washington Circuit Court 10/15/2021 2:13 PM System System
E-FILED; Washington Circuit Court
1098 Docket: 10/15/2021 2:13 PM; Submission: 10/15/2021 2:13 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG Plaintiff	*	
VS.	*	CASE NO. C-21-CV-20-000371
JUSTIN HOLDER, et al. Defendant	*	

****

ORDER

The matter having come before the Court on Defendant, Justin Holder's Motion to Compel Discovery, and for the reasons placed on record in open Court, it is this 15th day of October, 2021 by the Circuit Court for Washington County;

ORDERED, that the Defendant's Motion to Compel Discovery be and is hereby DENIED in part, and balance of the Motion is withdrawn by movant.

Judge Mark K. Boyer

cc: R. David Pembroke, Esq.
Deena Holder, *pro se*
Justin Holder, *pro se*

Entered: Clerk, Circuit Court for
Washington County, MD
October 15, 2021

E-FILED Washington Circuit Court 12/2/2021 3:20 PM System System
E-FILED; Washington Circuit Court
1099 Docket: 12/2/2021 3:20 PM; Submission: 12/2/2021 3:20 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Defendant Justin Holder, Motion for Sanctions and the opposition filed thereto, it is this 2nd of December, 2021 by the Circuit Court of Washington County, Maryland,

ORDERED that the Defendant's Motion be DENIED with prejudice; and it is further

Andrew B. Wilkinson

JUDGE Andrew F. Wilkinson

R. David Pembroke, Esquire
Brandy Peeples, Esquire
Peter Rogers, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
December 2, 2021

E-FILED Washington Circuit Court 3/3/2022 1:43 PM System System
E-FILED; Washington Circuit Court
1100 Docket: 3/3/2022 1:43 PM; Submission: 3/3/2022 1:43 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *

Plaintiff

v. * Case No.: C-21-CV-20-371

JUSTIN HOLDER, *et al.*

Defendants *

CASE MANAGEMENT ORDER

Having reviewed the pleadings in this case, and pursuant to Md. Rule 2-504(b)(2)(I), this Court finds it appropriate to enter an order to assist in the management of this case going forward, including placing limitations on the numerosity and length of motions; and it is further

ORDERED, that each party shall be permitted to file a single dispositive motion without leave of court, encompassing all claims for which it seeks disposition prior to trial, to be filed on or before the April 29, 2022 motion deadline; and it is further

ORDERED, that in order to promote the just, speedy and inexpensive resolution of this case, no **substantive motions** (such as motions to amend the pleadings or case dispositive motions), **discovery motions** (such as motions to compel, motions for a protective order or motions for discovery sanctions), or **post-judgment motions** (such as motions for attorney's fees, motions for reconsideration, or motions to alter or amend) shall be filed unless the party wishing to file such motion first serves on all parties and files with the Court a letter (not to exceed two pages, single spaced) requesting leave to file the planned motion containing a brief description of the planned motion and a **concise** summary of the factual and legal support for

RECEIVED
MAR – 3 2022
[illegible] R. TUCK[illegible], CLERK
Entered By _____

said motion. Upon review of the letter, the Court will issue an order permitting or declining the filing of the motion; and it is further

ORDERED, that no responses shall be filed to the letter unless instructed to do so by the Court; and it is further

ORDERED, that the filing and service of the letter shall satisfy any timeliness requirements applicable to the planned motion for which leave is sought; and it is further

ORDRED, that the parties are encouraged to limit memoranda in support of further motions and opposition memoranda to ten (10) pages, exclusive of exhibits; and it is further

ORDRED, that no party shall file a memoranda in support of or in opposition to a motion in excess of fifteen (15) pages, exclusive of exhibits, without leave of court; and it is further

ORDRED, that no party shall file more than 50 pages of exhibits with any memoranda, without leave of court.

SO ORDRED.

March 3, 2022
Date

Judge, Circuit Court for Washington County

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Plaintiff's Motion to Strike Counterclaim – Bill of Complaint Quia TImet for Declaratory Judgment of Law and Injunctive Relief in Equity and any responses filed thereto, it is this 13th of January, 2022 by the Circuit Court of Washington County, Maryland,

ORDERED that Plaintiff's Motion to Strike Counterclaim is GRANTED.

This order does not limit the defenses that any defendant may utilize at trial.

Andrew F. Wilkinson
01/13/2022 3:16:10 PM

JUDGE

R. David Pembroke, Esquire
Brandy Peeples, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
January 19, 2022

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

ORDER

Upon consideration of the Plaintiff's Motion to Waive Posting Requirement of Real Property Article 6, Section 14-616(a) and any responses filed thereto, it is this 10th of February, 2022 by the Circuit Court of Washington County, Maryland,

ORDERED that Plaintiff's Motion be GRANTED.

b. The property shall be posted as required by Real Property Article 14-616(a).

Andrew B. Wilkinson
JUDGE Andrew F. Wilkinson

R. David Pembroke, Esquire
Brandy Peeples, Esquire
Robert Kline III, Esquire
Justin Holder, Pro se

Entered: Clerk, Circuit Court for
Washington County, MD
February 10, 2022

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG	*	
PLAINTIFF	*	
	*	
vs.	*	**CASE NO. C-21-CV-20-000371**
	*	
JUSTIN HOLDER	*	
DEFENDANT	*	
	*	

REAL PROPERTY ARTICLE SECTION 14-616 CERTIFICATION

I HEREBY certify that on 11th day of February, 2022, pursuant to Real Property Article 14-616, I posted in a conspicuous place on the subject property a copy of the Complaint and the Summons issued in this matter.

Respectfully submitted,

R. David Pembroke 8205010237
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
Rdpembroke1954@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Real Property Article Section 14-616- Certification was filed this 14th day of February, 2022, was emailed to Justin Holder at jholder2004@gmail.com. and to Robert Kline, III, Esquire at rkline@cookeandkline.com and to Brandy Peeples, Esquire at brandy@peeples-law.com

R. David Pembroke 8205010237

E-FILED Washington Circuit Court 3/23/2022 4:01 PM System System
E-FILED; Washington Circuit Court
1105 Docket: 3/23/2022 4:01 PM; Submission: 3/23/2022 4:01 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *

Plaintiff

v. * Case No.: C-21-CV-20-371

JUSTIN HOLDER, *et al.*

Defendants *

ORDER
(Discovery from Maryland DNR)

Having read and considered Defendant Holder's Motion to Compel certain discovery from Maryland DNR, and any responses and replies thereto, and finding that Defendant Holder's request for documents is generally overly broad, it is this 3rd day of March 2022, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant Holder's Motion to Compel certain discovery from Maryland DNR is granted in part and denied in part;

ORDERED, if not previously produced to Defendant Holder, Maryland DNR shall produce the following documents on or before March 31, 2022:

1. Copies of citations, fines levied, or notices of violation for the time period from January 1, 2017 to present, issued by Maryland DNR to:
    a. Jeffrey Young, 13 Dogstreet Road, Keedysville, MD,
    b. Justin Holder, 308 West Chaplin Street, Keedysville, MD,
    c. Deena Holder, 308 West Chaplin Street, Keedysville, MD,
    d. Uncle Eddies Brokedown Palace, LLC, Keedysville, MD, or
    e. Benjamin Estes, 22 Mount Hebron Road, Keedysville, MD.

Entered: Clerk, Circuit Court for
Washington County, MD
March 10, 2022

2. Copies of correspondence (letter or email) for the time period from January 1, 2017 to present, concerning land adjacent to the former railroad bed now owned by Maryland DNR known as the Weverton to Roxbury rail property, restricted to correspondence issued by Maryland DNR to, or received by Maryland DNR from:

    a. Jeffrey Young, 13 Dogstreet Road, Keedysville, MD

ORDERED, that all other relief requested by Defendant Holder is denied.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record
Maryland DNR

E-FILED Washington Circuit Court 4/14/2022 12:25 PM System System
E-FILED; Washington Circuit Court
1107 Docket: 4/14/2022 12:25 PM; Submission: 4/14/2022 12:25 PM
E-FILED; Washington Circuit Court
Docket: 3/21/2022 2:32 PM; Submission: 3/21/2022 2:32 PM

JEFFREY YOUNG,	*	**IN THE**
Plaintiff,	*	**CIRCUIT COURT**
v.	*	**FOR**
JUSTIN HOLDER, *et al.*,	*	**WASHINGTON COUNTY**
Defendants.	*	**Case No.: C-21-CV-20-000371**

* * * * * * * * * * * * *

PROPOSED ORDER

The Court having reviewed the "Motion to Alter or Amend March 3rd 2022 Order Denying Defendant Justin Holder's Motion to Vacate Protective Order" filed by Defendant Justin Holder, and the Response in Opposition filed on behalf of Christine Morral, finds no sufficient cause to alter or amend the March 3rd order; accordingly, ~~it is this ____ day of March, 2022;~~

ORDERED that the Motion to Alter or Amend be and hereby is denied.

4/14/2022
Date

Judge
Circuit Court for Washington County

Entered: Clerk, Circuit Court for
Washington County, MD
April 14, 2022

E-FILED Washington Circuit Court 4/14/2022 12:25 PM System System
E-FILED; Washington Circuit Court
1108 Docket: 4/14/2022 12:25 PM; Submission: 4/14/2022 12:25 PM

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740
Civil/Family/Juvenile: 301-790-4972 Criminal: 301-790-7941 General: 301-733-8660 Assignment: 240-313-2540
Maryland Relay Service: 711 Fax Civil/Family/Juvenile: 301-791-0507

Case Number: **C-21-CV-20-000371**
Other Reference Numbers: **CSA-REG-0780-2021**

JEFFREY YOUNG VS. JUSTIN HOLDER, ET AL.

ORDER

Defendant Holder's Motion to Alter/Amend previous order concerning discovery from DNR is denied.

04/14/2022

Andrew F. Wilkinson

Entered: Clerk, Circuit Court for
Washington County, MD
April 14, 2022

E-FILED Washington Circuit Court 4/15/2022 8:43 AM System System
E-FILED; Washington Circuit Court
1109 Docket: 4/15/2022 8:43 AM; Submission: 4/15/2022 8:43 AM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *

Plaintiff

v. * Case No.: C-21-CV-20-371

JUSTIN HOLDER, *et al.*

Defendants *

ORDER
(Defendant Holder's Objection to April 14, 2022 Orders)

This matter comes to the court on Defendant Justin Holder's Objection to April 14, 2022 Orders. The court having considered the objections and the reasons therefore, and finding there is no good cause, it is this 14th day of April 2022, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant's Objections are denied.

1. The court's indication of the ownership of the rail bed for purposes of solving a discovery dispute comports with Plats 8292-8293 and 10649-10650 in the Plat Records of Washington County, Maryland, both of which have been referenced by Defendant in his pleadings. Defendant's objection is without merit.
2. The court has determined that Defendant's discovery tactics against Ms. Morral have been vexatious and have created undue burden. Of greatest importance to the Defendant was to receive "the video" that was purportedly in the possession of Ms. Morral and the Town of Keedysville. At the request of Defendant, the court ordered the Town of Keedysville to produce the video to solve the discovery dispute. The court has not received any information that the Town of Keedysville failed to provide the video. Defendant's objection is without merit.

Entered: Clerk, Circuit Court for
Washington County, MD
April 15, 2022

3. The court has determined that the Plaintiff's Complaint and Petition deal with questions that are only within the purview of a court and are not within the purview of a jury. Not every complaint or defense is entitled to a jury trial – and this one is not. This trial will proceed as a court trial as previously ordered. Defendant's objection is without merit.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

E-FILED Washington Circuit Court 4/26/2022 3:28 PM System System
E-FILED; Washington Circuit Court
1111 Docket: 4/26/2022 3:28 PM; Submission: 4/26/2022 3:28 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *

Plaintiff

v. * Case No.: C-21-CV-20-371

JUSTIN HOLDER, *et al.*

Defendants *

ORDER

(Defendant Holder's Motion to Dismiss filed December 29, 2021)

This matter comes to the court on Defendant Holder's Motion to Dismiss or Collateral Estoppel of Interested Parties filed on December 29, 2021. The court having considered the Motion and the response thereto, and finding there is no good cause, it is this 21st day of April 2022, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant Holder's Motion to Dismiss or Collateral Estoppel of Interested Parties filed on December 29, 2021 is denied.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
April 26, 2022

E-FILED Washington Circuit Court 5/11/2022 11:20 AM System System
E-FILED; Washington Circuit Court
Filed Docket: 5/11/2022 11:20 AM; Submission: 5/11/2022 11:20 AM

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740
Civil/Family/Juvenile: 301-790-4972 Criminal: 301-790-7941 General: 301-733-8660 Assignment: 240-313-2540
Maryland Relay Service: 711 Fax Civil/Family/Juvenile: 301-791-0507

Case Number: **C-21-CV-20-000371**
Other Reference Numbers: **CSA-REG-0780-2021**

JEFFREY YOUNG VS. JUSTIN HOLDER, ET AL.

ORDER

Defendant Justin Holder's Motion to Dismiss for failure to state a claim is denied.

05/11/2022

Andrew F. Wilkinson

Entered: Clerk, Circuit Court for
Washington County, MD
May 11, 2022

JEFFREY YOUNG,	*	**IN THE**
Plaintiff,	*	**CIRCUIT COURT**
v.	*	**FOR**
JUSTIN HOLDER, *et al.*,	*	**WASHINGTON COUNTY**
Defendants.	*	**Case No.: C-21-CV-20-000371**

* * * * * * * * * * * * *

PROPOSED ORDER

The Court having reviewed the Motion for a Protective Order filed by Christine Morral, not a party to this suit, and any response thereto, finds good cause for the motion; accordingly, it is this 28th day of September, 2021;

ORDERED that the Motion is granted and the Subpoena Duces Tecum and Deposition Notice filed on July 22, 2021 be and hereby are quashed.

Mark K. Boyer
Judge
Circuit Court for Washington County

C: Movant and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
September 28, 2021

E-FILED Washington Circuit Court 2/4/2022 4:35 PM System System
E-FILED; Washington Circuit Court
1114 Docket: 2/4/2022 4:35 PM; Submission: 2/4/2022 4:35 PM

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *

Plaintiff

v. * Case No.: C-21-CV-20-371

JUSTIN HOLDER, *et al.*

Defendants *

ORDER
(Defendant Holder's Motion to Compel)

Having read and considered Defendant Holder's Motion to Compel regarding Christine Morral and any responses thereto, noting that this Court granted a Motion for Protective Order and quashed the deposition subpoena by court order dated September 28, 2021, noting that such protective order has not been vacated, and determining that no sufficient cause has been indicated to vacate the protective order, it is this 27th day of January 2022, by the Circuit Court for Washington County, Maryland, hereby:

ORDERED, that Defendant Holder's Motion to Compel regarding Christine Morral be and is hereby denied.

Judge, Circuit Court for Washington County

cc: Counsel and parties of record

Entered: Clerk, Circuit Court for
Washington County, MD
February 4, 2022